

Evaluation

- Students are expected to have a better grasp on the shifting pattern and double clutching.
- They need to know when and how to downshift.
- Proper use of turn signals, checking speedometer and mirrors.

Transition

- Explain to them the importance of awareness on the road.
- Not only are they driving a large vehicle that is dangerous when turning and stopping, but the general motoring public is usually ignorant when it comes to trucks. People will cut in front of a truck without knowing its stopping distance, so it is their responsibility to know it. Other drivers will tailgate or try passing without knowing the blind spots, so it is their responsibility to watch for people entering them.

Wednesday - 10 Hours- 7:00am-5:30pm - Lunch Break 12:00pm-
12:30pm

Repeat Lessons 7, 8 & 9 -Pre-trip & In-cab Inspections, and Air Brake Test

Duration - 1 hour

Goal

To get students to remember the parts on the truck associated with these inspections and tests and the language needed to communicate to the examiner in order to prepare them for the Pre Trip and In-cab inspections and Air Brake Test portions of the CDL Road Test.

Content

- Use parked truck(s) in the yard for them to go through their Pre-trip & In-cab inspections and to perform their Air Brake Test

Equipment

- Tractor Trailer

Evaluation

- Each student must be able to perform these different tests from memory.

Transition

- Reiterate importance of these tests for the CDL Road Test as well as for their career as a professional driver.
- They will need to do these tests prior to moving a vehicle.

Lesson 15 - Highway Driving

Duration - 3.5 Hours

Goal - To teach students how to drive a tractor trailer on the highway and prepare them for the highway portion of the CDL Road Test.

Content

- Instruct students on how to approach a ramp to enter a highway.
 - Make sure they're using their turn signals and mirror.
 - Make sure they are downshifting properly.
 - Instruct them to adhere to the recommended speed limit signs
 - Approach curves on the outside of the lane
 - Check trailer while coming through the curve
- Instruct students on highway driving

- Accelerate to a safe speed
- Check mirrors and over the shoulder for traffic
- Coordination of clutch and accelerator
- Following distance
- Stay in center of lane
- Instruct them on exiting the highway using the skills they used when entering.

Equipment

- Tractor Trailer

Evaluation

- The student should make all proper use of their turn signals and be aware of their trailer.
- They should slow down to safe speeds and accelerate to safe speeds. They should know the gear pattern of the truck and be able to shift through them, up and down.
- Proper lane position and coordination

Transition

- Explain importance of entering and driving on highways as it will be a large part of their driving responsibilities when working.
- A truck is a very heavy thing and momentum needs to be controlled, especially going around turns and speeding up and down on the highway.
- Speed and stopping distance to be figured out immediately and then acted upon.

Lunch Break 12:00pm-12:30pm

Repeat Lessons 7, 8 & 9 -Pre-trip & In-cab Inspections, and Air Brake Test

Duration - 1 hour

Goal

To get students to remember the parts on the truck associated with these inspections and tests and the language needed to communicate to the examiner in order to prepare them for the Pre Trip and In-cab inspections and Air Brake Test portions of the CDL Road Test.

Content

- Use parked truck(s) in the yard for them to go through their Pre-trip & In-cab inspections and to perform their Air Brake Test

Equipment

- Tractor Trailer

Evaluation

- Each student must be able to perform these different tests from memory.

Transition

- Reiterate importance of these tests for the CDL Road Test as well as for their career as a professional driver.
- They will need to do these tests prior to moving a vehicle.

Lesson 15 - Highway Driving

Duration - 4.5 Hours

Goal - To teach students how to drive a tractor trailer on the highway and prepare them for the highway portion of the CDL Road Test.

Content

- Instruct students on how to approach a ramp to enter a highway.
 - Make sure they're using their turn signals and mirror.
 - Make sure they are downshifting properly.
 - Instruct them to adhere to the recommended speed limit signs
 - Approach curves on the outside of the lane
 - Check trailer while coming through the curve
- Instruct students on highway driving
 - Accelerate to a safe speed
 - Check mirrors and over the shoulder for traffic
 - Coordination of clutch and accelerator
 - Following distance
 - Stay in center of lane
- Instruct them on exiting the highway using the skills they used when entering.

Equipment

- Tractor Trailer

Evaluation

- The student should make all proper use of their turn signals and be aware of their trailer.
- They should slow down to safe speeds and accelerate to safe speeds. They should know the gear pattern of the truck and be able to shift through them, up and down.
- Proper lane position and coordination

Transition

- Explain importance of entering and driving on highways as it will be a large part of their driving responsibilities when working.

- A truck is a very heavy thing and momentum needs to be controlled, especially going around turns and speeding up and down on the highway.
- Speed and stopping distance to be figured out immediately and then acted upon.

Thursday - 10 Hours - 7:00am-5:30pm - Lunch Break 12:00pm-12:30pm

Repeat Lessons 7, 8 & 9 -Pre-trip & In-cab Inspections, and Air Brake Test

Duration - 1 hour

Goal

To get students to remember the parts on the truck associated with these inspections and tests and the language needed to communicate to the examiner in order to prepare them for the Pre Trip and In-cab inspections and Air Brake Test portions of the CDL Road Test.

Content

- Use parked truck(s) in the yard for them to go through their Pre-trip & In-cab inspections and to perform their Air Brake Test

Equipment

- Tractor Trailer

Evaluation

- Each student must be able to perform these different tests from memory.

Transition

- Reiterate importance of these tests for the CDL Road Test as well as for their career as a professional driver.
- They will need to do these tests prior to moving a vehicle.

Repeat Lesson 14 - Road Driving - Local Roads

Duration - 3.5 hours

Goal

To teach students how to drive a tractor trailer on local roads and prepare students for the road-driving portion of the CDL Road Test.

Content

- Tell the students that the best way to learn is to get in the truck and drive.
- Take the students into traffic.
- Practice shifting and downshifting in traffic and coming to lights.
- Instruct them to be conscious of the top of the trailer and it's wheels while making turns.
- Stress the need to constantly be checking mirrors, speed and the traffic ahead.
- Instruct them to use turn signals and teach them to be centered in their lane.

Equipment

- Tractor Trailer

Evaluation

- Students are expected to have a better grasp on the shifting pattern and double clutching.
- They need to know when and how to downshift.

- Proper use of turn signals, checking speedometer and mirrors.

Transition

- Explain to them the importance of awareness on the road.
- Not only are they driving a large vehicle that is dangerous when turning and stopping, but the general motoring public is usually ignorant when it comes to trucks. People will cut in front of a truck without knowing its stopping distance, so it is their responsibility to know it. Other drivers will tailgate or try passing without knowing the blind spots, so it is their responsibility to watch for people around them.

Lunch Break 12:00pm-12:30pm

Repeat Lessons 7, 8 & 9 -Pre-trip & In-cab Inspections, and Air Brake Test

Duration - 1 hour

Goal

To get students to remember the parts on the truck associated with these inspections and tests and the language needed to communicate to the examiner in order to prepare them for the Pre Trip and In-cab inspections and Air Brake Test portions of the CDL Road Test.

Content

- Use parked truck(s) in the yard for them to go through their Pre-trip & In-cab inspections and to perform their Air Brake Test

Equipment

- Tractor Trailer

Evaluation

- Each student must be able to perform these different tests from memory.

Transition

- Reiterate importance of these tests for the CDL Road Test as well as for their career as a professional driver.
- They will need to do these tests prior to moving a vehicle.

Lesson 15 - Highway Driving

Duration - 4.5 Hours

Goal - To teach students how to drive a tractor trailer on the highway and prepare them for the highway portion of the CDL Road Test.

Content

- Review entering a highway
- Review shifting tempo, up and down
- Centering in the lane
- Speed (too fast or too slow)
- Passing using mirrors, turn signals, and acceleration
- Confidence
- Encourage students to say what they're seeing and doing out loud

Equipment

- Tractor Trailer

Evaluation

- The student should make all proper use of their turn signals and be aware of their trailer.

- They should slow down to safe speeds and accelerate to safe speeds. They should know the gear pattern of the truck and be able to shift through them, up and down.
- Proper lane position and coordination
- Smooth coordination between feet, hands and head

Transition

- Explain the difference between cockiness and confidence while out on the road and stress the necessity for confidence.
- Stress awareness of the traffic, road signs, weather and “outs”, or those places you can go to if a hazard does arise.

Week Four: Yard & Road Instruction- 40 Hours

Educational Objective- To perfect skills acquired over the past three weeks of training in order to pass all phases of the road exam.

Prerequisites- Must be at least eighteen years of age (twenty-one to drive interstate), and pass the DOT physical and drug screening.

Monday - 10 Hours - 7:00am - 5:30pm - Lunch Break 12:00pm-12:30pm

Repeat Lessons 7, 8 & 9 -Pre-trip & In-cab Inspections, and Air Brake Test

Duration - .5 hour

Goal

To get students to remember the parts on the truck associated with these inspections and tests and the language needed to communicate to the examiner in order to prepare them for the Pre Trip and In-cab inspections and Air Brake Test portions of the CDL Road Test.

Content

- Use parked truck(s) in the yard for them to go through their Pre-trip & In-cab inspections and to perform their Air Brake Test

Equipment

- Tractor Trailer

Evaluation

- Each student must be able to perform these different tests from memory.

Transition

- Reiterate importance of these tests for the CDL Road Test as well as for their career as a professional driver.
- They will need to do these tests prior to moving a vehicle.

Repeat Lesson 14 - Road Driving - Local Roads

Duration - 2 hours

Goal

To teach students how to drive a tractor trailer on local roads and prepare students for the road-driving portion of the CDL Road Test.

Content

- Review shifting up and down in traffic
- Review turning properly, watching the trailer and the wheels
- Review awareness - always looking 10 to 15 seconds ahead
- Review control and coordination, always checking traffic ahead and your mirrors for traffic behind.
- Encourage them to say what they are seeing and what they are doing.

Equipment

- Tractor Trailer

Evaluation

- Students are expected to shift smoothly with no grinding and proper double clutching
- They are expected to make turns properly and use turn signals properly
- They have to check their gauges, mirrors and speed constantly

- Following distance and stopping distance to be calculated on their own
- Emotional attitude - right level of confidence

Transition

- Stress the importance of awareness on the road and how it defines a professional driver versus the general motoring public.
- Explain that by saying what they are seeing and doing can help them communicate during the CDL Driving Test because it puts the examiner more at ease if he knows what they're thinking.

Repeat Lesson 15 - Highway Driving

Duration - 2 Hours

Goal - To teach students how to drive a tractor trailer on the highway and prepare them for the highway portion of the CDL Road Test.

Content

- Review entering a highway
- Review shifting tempo, up and down
- Review lane positioning
- Review exiting a highway
- Confidence
- Discuss scoring on the exam
- Encourage students to say what they're seeing and doing out loud

Equipment

- Tractor Trailer

Evaluation

- Awareness has to be acute and in tempo with driving.
- Recognize traffic patterns and react to them without instruction

Transition

- Discuss proper highway etiquette
 - staying out of the left lane
 - controlling speed with timing and the accelerator, not the brake, so not to waste fuel
 - using marker lights at night when communicating with other trucks
- Explain that by saying what they are seeing and doing can help them communicate during the CDL Driving Test because it puts the examiner more at ease if he knows what they're thinking.

Lunch Break 12:00pm-12:30pm

Repeat Lessons 7, 8 & 9 -Pre-trip & In-cab Inspections, and Air Brake Test

Duration - .5 hours

Goal

To get students to remember the parts on the truck associated with these inspections and tests and the language needed to communicate to the examiner in order to prepare them for the Pre Trip and In-cab inspections and Air Brake Test portions of the CDL Road Test.

Content

- Use parked truck(s) in the yard for them to go through their Pre-trip & In-cab inspections and to perform their Air Brake Test

Equipment

- Tractor Trailer

Evaluation

- Each student must be able to perform these different tests from memory.

Transition

- Reiterate importance of these tests for the CDL Road Test as well as for their career as a professional driver.
- They will need to do these tests prior to moving a vehicle.

Repeat Lesson 10 - Straight line backing

Duration - 1 hours

Goal

Teach students how to back a truck up in a straight line and prepare them for the Straight Line Backing portion of the CDL Road Test.

Content

- Instruct the students they need to practice and practice before their CDL Road Test.

Equipment

- Tractor Trailer

Evaluation

- Students should be able to reverse the truck through the cones without hitting them.

Transition

- Explain they are only allowed a certain number of points in order to pass the CDL Road Test and these points are divided into the skills portion and road portion.
- They are scored a point for everything done wrong or forgotten. Once they score too many they fail immediately

Repeat Lesson 11 - Measured Stops and Measured Right Turns

Duration - 1 hour

Goal

Teach the students how to gauge where they can and need to stop a tractor trailer, and then where to make the turn so the trailer clears the last cone. This will prepare them for the measured stop and measured right turn portion of the CDL Road Test.

Content

- Instruct the students they need to practice and practice before their test.

Equipment

- Tractor Trailer

Evaluation

- Every student should be able to pull the truck forward, stop in the correct spot and execute their measured right turn so that the trailer does not hit the last cone.

Transition

- Explain that they will be scored a point every time they hit a cone or miss stopping with their tires in the box.

Repeat Lesson 12 - Alley Docking

Duration - 1.5 hours

Goal

To teach students how to Alley Dock a tractor trailer and prepare them for the Alley Docking portion of the CDL Road Test.

Content

- Instruct the students into the alley dock.

Equipment

- Tractor Trailer

Evaluation

- Each student should be able to Alley Dock with minimal instruction

Transition

- Explain that they have three pull ups and to use them in order to correct themselves if they need to. They will be scored a point for hitting the cones, if their wheels or trailer are outside the alley, or being lined up straight.

Repeat Lesson 13 - Parallel Parking and Serpentine

Duration - 1.5 Hours

Goal

To teach students how to Parallel Park a Tractor Trailer and to prepare them for the Parallel Parking portion of the CDL Road Test.

Content

- Instruct the students into the parking spot, highlighting mistakes and stressing practice.

Equipment

- Tractor Trailer

Evaluation

- Each student should be able to parallel park the truck with minimal instruction.

Transition

- Explain that they have three pull ups and to use them in order to correct themselves if they need to. They will be scored a point for hitting the cones, if their wheels or trailer are outside the cones, or if they're parked on too much of an angle.

Tuesday - 10 Hours - 7:00am-5:30pm - Lunch Break 12:00pm-12:30pm

Repeat Lessons 7, 8 & 9 -Pre-trip & In-cab Inspections, and Air Brake Test

Duration - .5 hour

Goal

To get students to remember the parts on the truck associated with these inspections and tests and the language needed to communicate to the examiner in order to prepare them for the Pre Trip and In-cab inspections and Air Brake Test portions of the CDL Road Test.

Content

- Use parked truck(s) in the yard for them to go through their Pre-trip & In-cab inspections and to perform their Air Brake Test

Equipment

- Tractor Trailer

Evaluation

- Each student must be able to perform these different tests from memory.

Transition

- Reiterate importance of these tests for the CDL Road Test as well as for their career as a professional driver.
- They will need to do these tests prior to moving a vehicle.

Repeat Lesson 14 - Road Driving - Local Roads

Duration - 2 hours

Goal

To teach students how to drive a tractor trailer on local roads and prepare students for the road-driving portion of the CDL Road Test.

Content

- Review shifting up and down in traffic
- Review turning properly, watching the trailer and the wheels
- Review awareness - always looking 10 to 15 seconds ahead
- Review control and coordination, always checking traffic ahead and your mirrors for traffic behind.

- Encourage them to say what they are seeing and what they are doing.

Equipment

- Tractor Trailer

Evaluation

- Students are expected to shift smoothly with no grinding and proper double clutching
- They are expected to make turns properly and use turn signals properly
- They have to check their gauges, mirrors and speed constantly
- Following distance and stopping distance to be calculated on their own
- Emotional attitude - right level of confidence

Transition

- Stress the importance of awareness on the road and how it defines a professional driver versus the general motoring public.
- Explain that by saying what they are seeing and doing can help them communicate during the CDL Driving Test because it puts the examiner more at ease if he knows what they're thinking.

Repeat Lesson 15 - Highway Driving

Duration - 2 Hours

Goal - To teach students how to drive a tractor trailer on the highway and prepare them for the highway portion of the CDL Road Test.

Content

- Review entering a highway
- Review shifting tempo, up and down
- Review lane positioning
- Review exiting a highway
- Confidence
- Discuss scoring on the exam
- Encourage students to say what they're seeing and doing out loud

Equipment

- Tractor Trailer

Evaluation

- Awareness has to be acute and in tempo with driving.
- Recognize traffic patterns and react to them without instruction

Transition

- Discuss proper highway etiquette
 - staying out of the left lane
 - controlling speed with timing and the accelerator, not the brake, so not to waste fuel
 - using marker lights at night when communicating with other trucks
- Explain that by saying what they are seeing and doing can help them communicate during the CDL Driving Test because it puts the examiner more at ease if he knows what they're thinking.

Lunch Break 12:00pm-12:30pm

Repeat Lessons 7, 8 & 9 -Pre-trip & In-cab Inspections, and Air Brake Test

Duration - .5 hours

Goal

To get students to remember the parts on the truck associated with these inspections and tests and the language needed to communicate to the examiner in order to prepare them for the Pre Trip and In-cab inspections and Air Brake Test portions of the CDL Road Test.

Content

- Use parked truck(s) in the yard for them to go through their Pre-trip & In-cab inspections and to perform their Air Brake Test

Equipment

- Tractor Trailer

Evaluation

- Each student must be able to perform these different tests from memory.

Transition

- Reiterate importance of these tests for the CDL Road Test as well as for their career as a professional driver.
- They will need to do these tests prior to moving a vehicle.

Repeat Lesson 10 - Straight line backing

Duration - 1 hours

Goal

Teach students how to back a truck up in a straight line and prepare them for the Straight Line Backing portion of the CDL Road Test.

Content

- Instruct the students they need to practice and practice before their CDL Road Test.

Equipment

- Tractor Trailer

Evaluation

- Students should be able to reverse the truck through the cones without hitting them.

Transition

- Explain they are only allowed a certain number of points in order to pass the CDL Road Test and these points are divided into the skills portion and road portion.
- They are scored a point for everything done wrong or forgotten. Once they score too many they fail immediately

Repeat Lesson 11 - Measured Stops and Measured Right Turns

Duration - 1 hour

Goal

Teach the students how to gauge where they can and need to stop a tractor trailer, and then where to make the turn so the trailer clears the last cone. This will prepare them for the measured stop and measured right turn portion of the CDL Road Test.

Content

- Instruct the students they need to practice and practice before their test.

Equipment

- Tractor Trailer

Evaluation

- Every student should be able to pull the truck forward, stop in the correct spot and execute their measured right turn so that the trailer does not hit the cone.

Transition

- Explain that they will be scored a point every time they hit a cone or miss stopping with their tires in the box.

Repeat Lesson 12 - Alley Docking

Duration - 1.5 hours

Goal

To teach students how to Alley Dock a tractor trailer and prepare them for the Alley Docking portion of the CDL Road Test.

Content

- Instruct the students into the alley dock.

Equipment

- Tractor Trailer

Evaluation

- Each student should be able to Alley Dock with minimal instruction

Transition

- Explain that they have three pull ups and to use them in order to correct themselves if they need to. They will be scored a point for hitting the cones, if their wheels or trailer are outside the alley, or being lined up straight.

Repeat Lesson 13 - Parallel Parking and Serpentine

Duration - 1.5 Hours

Goal

To teach students how to Parallel Park a Tractor Trailer and to prepare them for the Parallel Parking portion of the CDL Road Test.

Content

- Instruct the students into the parking spot, highlighting mistakes and stressing practice.

Equipment

- Tractor Trailer

Evaluation

- Each student should be able to parallel park the truck with minimal instruction.

Transition

- Explain that they have three pull ups and to use them in order to correct themselves if they need to. They will be scored a point for hitting the cones, if their wheels or trailer are outside the cones, or if they're parked on too much of an angle.

Wednesday - 10 Hours- 7:00am-5:30pm - Lunch Break 12:00pm-
12:30pm

Repeat Lessons 7, 8 & 9 -Pre-trip & In-cab Inspections, and Air Brake Test

Duration - .5 hour

Goal

To get students to remember the parts on the truck associated with these inspections and tests and the language needed to communicate to the examiner in order to prepare them for the Pre Trip and In-cab inspections and Air Brake Test portions of the CDL Road Test.

Content

- Use parked truck(s) in the yard for them to go through their Pre-trip & In-cab inspections and to perform their Air Brake Test

Equipment

- Tractor Trailer

Evaluation

- Each student must be able to perform these different tests from memory.

Transition

- Reiterate importance of these tests for the CDL Road Test as well as for their career as a professional driver.
- They will need to do these tests prior to moving a vehicle.

Repeat Lesson 14 - Road Driving - Local Roads

Duration - 2 hours

Goal

To teach students how to drive a tractor trailer on local roads and prepare students for the road-driving portion of the CDL Road Test.

Content

- Review shifting up and down in traffic
- Review turning properly, watching the trailer and the wheels
- Review awareness - always looking 10 to 15 seconds ahead
- Review control and coordination, always checking traffic ahead and your mirrors for traffic behind.
- Encourage them to say what they are seeing and what they are doing.

Equipment

- Tractor Trailer

Evaluation

- Students are expected to shift smoothly with no grinding and proper double clutching
- They are expected to make turns properly and use turn signals properly
- They have to check their gauges, mirrors and speed constantly
- Following distance and stopping distance to be calculated on their own
- Emotional attitude - right level of confidence

Transition

- Stress the importance of awareness on the road and how it defines a professional driver versus the general motoring public.
- Explain that by saying what they are seeing and doing can help them communicate during the CDL Driving Test because it puts the examiner more at ease if he knows what they're thinking.

Repeat Lesson 15 - Highway Driving

Duration - 2 Hours

Goal - To teach students how to drive a tractor trailer on the highway and prepare them for the highway portion of the CDL Road Test.

Content

- Review entering a highway
- Review shifting tempo, up and down
- Review lane positioning
- Review exiting a highway
- Confidence
- Discuss scoring on the exam
- Encourage students to say what they're seeing and doing out loud

Equipment

- Tractor Trailer

Evaluation

- Awareness has to be acute and in tempo with driving.
- Recognize traffic patterns and react to them without instruction

Transition

- Discuss proper highway etiquette
 - staying out of the left lane
 - controlling speed with timing and the accelerator, not the brake, so not to waste fuel
 - using marker lights at night when communicating with other trucks
- Explain that by saying what they are seeing and doing can help them communicate during the CDL Driving Test because it puts the examiner more at ease if he knows what they're thinking.

Lunch Break 12:00pm-12:30pm

Repeat Lessons 7, 8 & 9 -Pre-trip & In-cab Inspections, and Air Brake Test

Duration - .5 hours

Goal

To get students to remember the parts on the truck associated with these inspections and tests and the language needed to communicate to the examiner in order to prepare them for the Pre Trip and In-cab inspections and Air Brake Test portions of the CDL Road Test.

Content

- Use parked truck(s) in the yard for them to go through their Pre-trip & In-cab inspections and to perform their Air Brake Test

Equipment

- Tractor Trailer

Evaluation

- Each student must be able to perform these different tests from memory.

Transition

- Reiterate importance of these tests for the CDL Road Test as well as for their career as a professional driver.
- They will need to do these tests prior to moving a vehicle.

Repeat Lesson 10 - Straight line backing

Duration - 1 hours

Goal

Teach students how to back a truck up in a straight line and prepare them for the Straight Line Backing portion of the CDL Road Test.

Content

- Instruct the students they need to practice and practice before their CDL Road Test.

Equipment

- Tractor Trailer

Evaluation

- Students should be able to reverse the truck through the cones without hitting them.

Transition

- Explain they are only allowed a certain number of points in order to pass the CDL Road Test and these points are divided into the skills portion and road portion.

- They are scored a point for everything done wrong or forgotten. Once they score too many they fail immediately

Repeat Lesson 11 - Measured Stops and Measured Right Turns

Duration - 1 hour

Goal

Teach the students how to gauge where they can and need to stop a tractor trailer, and then where to make the turn so the trailer clears the last cone. This will prepare them for the measured stop and measured right turn portion of the CDL Road Test.

Content

- Instruct the students they need to practice and practice before their test.

Equipment

- Tractor Trailer

Evaluation

- Every student should be able to pull the truck forward, stop in the correct spot and execute their measured right turn so that the trailer does not hit the cone.

Transition

- Explain that they will be scored a point every time they hit a cone or miss stopping with their tires in the box.

Repeat Lesson 12 - Alley Docking

Duration - 1.5 hours

Goal

To teach students how to Alley Dock a tractor trailer and prepare them for the Alley Docking portion of the CDL Road Test.

Content

- Instruct the students into the alley dock.

Equipment

- Tractor Trailer

Evaluation

- Each student should be able to Alley Dock with minimal instruction

Transition

- Explain that they have three pull ups and to use them in order to correct themselves if they need to. They will be scored a point for hitting the cones, if their wheels or trailer are outside the alley, or being lined up straight.

Repeat Lesson 13 - Parallel Parking and Serpentine

Duration - 1.5 Hours

Goal

To teach students how to Parallel Park a Tractor Trailer and to prepare them for the Parallel Parking portion of the CDL Road Test.

Content

- Instruct the students into the parking spot, highlighting mistakes and stressing practice.

Equipment

- Tractor Trailer

Evaluation

- Each student should be able to parallel park the truck with minimal instruction.

Transition

- Explain that they have three pull ups and to use them in order to correct themselves if they need to. They will be scored a point for hitting the cones, if their wheels or trailer are outside the cones, or if they're parked on too much of an angle.

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12:30pm

Repeat Lessons 7, 8 & 9 -Pre-trip & In-cab Inspections, and Air
Brake Test

Duration - .5 hour

Goal

To get students to remember the parts on the truck associated with these inspections and tests and the language needed to communicate to the examiner in order to prepare them for the Pre Trip and In-cab inspections and Air Brake Test portions of the CDL Road Test.

Content

- Use parked truck(s) in the yard for them to go through their Pre-trip & In-cab inspections and to perform their Air Brake Test

Equipment

- Tractor Trailer

Evaluation

- Each student must be able to perform these different tests from memory.

Transition

- Reiterate importance of these tests for the CDL Road Test as well as for their career as a professional driver.
- They will need to do these tests prior to moving a vehicle.

Repeat Lesson 14 - Road Driving - Local Roads

Duration - 2 hours

Goal

To teach students how to drive a tractor trailer on local roads and prepare students for the road-driving portion of the CDL Road Test.

Content

- Review shifting up and down in traffic
- Review turning properly, watching the trailer and the wheels
- Review awareness - always looking 10 to 15 seconds ahead
- Review control and coordination, always checking traffic ahead and your mirrors for traffic behind.

- Encourage them to say what they are seeing and what they are doing.

Equipment

- Tractor Trailer

Evaluation

- Students are expected to shift smoothly with no grinding and proper double clutching
- They are expected to make turns properly and use turn signals properly
- They have to check their gauges, mirrors and speed constantly
- Following distance and stopping distance to be calculated on their own
- Emotional attitude - right level of confidence

Transition

- Stress the importance of awareness on the road and how it defines a professional driver versus the general motoring public.
- Explain that by saying what they are seeing and doing can help them communicate during the CDL Driving Test because it puts the examiner more at ease if he knows what they're thinking.

Repeat Lesson 15 - Highway Driving

Duration - 2 Hours

Goal - To teach students how to drive a tractor trailer on the highway and prepare them for the highway portion of the CDL Road Test.

Content

- Review entering a highway
- Review shifting tempo, up and down
- Review lane positioning
- Review exiting a highway
- Confidence
- Discuss scoring on the exam
- Encourage students to say what they're seeing and doing out loud

Equipment

- Tractor Trailer

Evaluation

- Awareness has to be acute and in tempo with driving.
- Recognize traffic patterns and react to them without instruction

Transition

- Discuss proper highway etiquette
 - staying out of the left lane
 - controlling speed with timing and the accelerator, not the brake, so not to waste fuel
 - using marker lights at night when communicating with other trucks
- Explain that by saying what they are seeing and doing can help them communicate during the CDL Driving Test because it puts the examiner more at ease if he knows what they're thinking.

Lunch Break 12:00pm-12:30pm

Repeat Lessons 7, 8 & 9 -Pre-trip & In-cab Inspections, and Air Brake Test

Duration - .5 hours

Goal

To get students to remember the parts on the truck associated with these inspections and tests and the language needed to communicate to the examiner in order to prepare them for the Pre Trip and In-cab inspections and Air Brake Test portions of the CDL Road Test.

Content

- Use parked truck(s) in the yard for them to go through their Pre-trip & In-cab inspections and to perform their Air Brake Test

Equipment

- Tractor Trailer

Evaluation

- Each student must be able to perform these different tests from memory.

Transition

- Reiterate importance of these tests for the CDL Road Test as well as for their career as a professional driver.
- They will need to do these tests prior to moving a vehicle.

Repeat Lesson 10 - Straight line backing

Duration - 1 hours

Goal

Teach students how to back a truck up in a straight line and prepare them for the Straight Line Backing portion of the CDL Road Test.

Content

- Instruct the students they need to practice and practice before their CDL Road Test.

Equipment

- Tractor Trailer

Evaluation

- Students should be able to reverse the truck through the cones without hitting them.

Transition

- Explain they are only allowed a certain number of points in order to pass the CDL Road Test and these points are divided into the skills portion and road portion.
- They are scored a point for everything done wrong or forgotten. Once they score too many they fail immediately

Repeat Lesson 11 - Measured Stops and Measured Right Turns

Duration - 1 hour

Goal

Teach the students how to gauge where they can and need to stop a tractor trailer, and then where to make the turn so the trailer clears the last cone. This will prepare them for the measured stop and measured right turn portion of the CDL Road Test.

Content

- Instruct the students they need to practice and practice before their test.

Equipment

- Tractor Trailer

Evaluation

- Every student should be able to pull the truck forward, stop in the correct spot and execute their measured right turn so that the trailer does not hit the cone.

Transition

- Explain that they will be scored a point every time they hit a cone or miss stopping with their tires in the box.

Repeat Lesson 12 - Alley Docking

Duration - 1.5 hours

Goal

To teach students how to Alley Dock a tractor trailer and prepare them for the Alley Docking portion of the CDL Road Test.

Content

- Instruct the students into the alley dock.

Equipment

- Tractor Trailer

Evaluation

- Each student should be able to Alley Dock with minimal instruction

Transition

- Explain that they have three pull ups and to use them in order to correct themselves if they need to. They will be scored a point for hitting the cones, if their wheels or trailer are outside the alley, or being lined up straight.

Repeat Lesson 13 - Parallel Parking and Serpentine

Duration - 1.5 Hours

Goal

To teach students how to Parallel Park a Tractor Trailer and to prepare them for the Parallel Parking portion of the CDL Road Test.

Content

- Instruct the students into the parking spot, highlighting mistakes and stressing practice.

Equipment

- Tractor Trailer

Evaluation

- Each student should be able to parallel park the truck with minimal instruction.

Transition

- Explain that they have three pull ups and to use them in order to correct themselves if they need to. They will be scored a point for

hitting the cones, if their wheels or trailer are outside the cones, or if they're parked on too much of an angle.

Grading System

- All grades are based on the numerical percentage system (100% being the highest score). Students are graded on written examinations, field tests, driving sessions, methodology and attitude. Students must achieve a minimum cumulative average of 80% in order to pass the course.

Exams

- Smith and Solomon Driver Training will schedule the student's driving test for the first appropriate and available test date.
- If a student does not pass the road exam at DOT, they are entitled to resume training immediately and re-test at a later date. Smith & Solomon will continue to train the student as long as necessary, in order to successfully complete the exam and the program.

EXHIBIT 18

SMITH & SOLOMON
COMMERCIAL DRIVER TRAINING

Date Revised: 5/13/2015

Private Enrollment Procedures

- 1) Pre-Enrollment Process
 - a) Student fills out Confidential Statement of Qualification and Driver Abstract Request forms.
 - b) Tuition and payment plans are discussed with student
 - c) Student selects the best payment arrangement
 - d) DOT Physical and Drug Screen performed
 - e) Driver Abstract is obtained and reviewed for disqualifications.
- 2) Enrollment Process
 - a) Collect deposit \$750 Minimum, (campus with higher tuitions is \$1,000)
 - b) Deposit is due no later than on the first day of class.
 - c) Balance of tuition must be clearly entered into Financial Aid Awards with date and amount of payment agreed upon with the student.
 - d) If student is making a payment plan for the balance of the tuition, they must sign the Custom Student AR Ledger Worksheet found in your DiamondD.
 - e) Student will be enrolled in DiamondD, funding will indicate private
 - f) Student will sign enrollment package containing contract
 - g) Copies are given to student
 - h) Original contract is held in student's folder (Blue Folder)
 - i) Students are NOT to begin training unless enrollment package is signed and deposit is received
 - j) When booking finance students under Estimated Other Fees the following has to be listed individually:
 - i. Tuition
 - ii. Tuition-Fees
- 3) Active Students
 - a) Student's progress and attendance will be monitored carefully
 - b) Students will fill out their timesheet daily to track attendance
 - c) Student's payments will be monitored to maintain consistent payments, anyone not making their payments will not be allowed to train.
 - d) Once student completes the minimum course hours, they will be scheduled for road test.
 - e) If student drops, change of status is submitted to accounting department
 - f) Once student graduates, the graduation package will be issued

SMITH & SOLOMON**COMMERCIAL DRIVER TRAINING**

**School Address
Information**

ENROLLMENT AGREEMENT – «ProgramDescription»

Date: December 14, 15

The following contract is hereby entered into by and between Smith & Solomon Commercial Driver Training (hereinafter called the school) and:

Name: «LeadName» Soc. Sec#: «SSNFormatted» License #: «DriversLicense»

Address: «Address» City: «City» State: «State» Zip: «Zip»

Hereinafter called "Applicant", for the purpose of enrolling in the School's program upon the following terms.

Program: «ProgramDescription» Length: «ProgramUnits» /Hours Award: Certificate

Starting Date: «TermDate» Training Site: Linden

CHARGES & PAYMENTS PLANS: Pre-Payment Finance Extended Pay

TUITION & FEES

Tuition.....Tuition

'(tuition includes books, supplies, use of equipment, road test)

Fees.....Fees

TOTAL CHARGES.....Total

*Permit & Fingerprints (if applicable) are the responsibility of the student

CANCELLATION AND REFUND POLICY

You may cancel your enrollment at any time, in which case the following terms will apply:

- A. If you have not started training and you request cancellation within five calendar days after the effective date of enrollment you will be refunded all money paid to the school its representative.
- B. If you request cancellation after the five-day period but still before the start of class, the school will retain only the registration fee.
- C. If a student starts training and withdraws or is dismissed within the first four days of training, the school shall retain the registration fee plus 50% of tuition.
- D. After completing four-days or more of the total program hours, the student is obligated for the full contract price of the program.

E. Smith & Solomon's obligation to provide Training on this enrollment will expire one year after original start date.

Notice of cancellation or withdrawal must be made in writing and sent by certified mail, return receipt requested. If the student is a minor, such notice must be made by a parent or guardian. Refunds will be made within thirty days of the student's last day of attendance.

ACKNOWLEDGEMENTS

I have read, understood and received a copy of this contract and of the school's catalog, and agree to abide by all terms and policies stated herein. I certify that this contract contains all the terms of our agreement and that there have been no promises or agreements made other than those contained herein. **I understand that the school does not guarantee employment or a set wage in any way.** This agreement shall be effective when signed by the school's representative.

Applicant's signature _____ Date _____

I have personally interviewed the above applicant and hereby recommend that he or she be accepted by the school.

Representative's signature _____ Date _____

SMITH & SOLOMON**COMMERCIAL DRIVER TRAINING****ADMISSION**

Students at Smith & Solomon Commercial Driver Training are admitted without regard to race, color, creed, sex, age or national origin. The school director reserves the right to accept or reject all applicants. In the event that an applicant does not meet admissions requirements, is ineligible for licensing or is rejected for training, the applicant will be notified in writing and all previous obligations within this contract will be void. All monies paid by the applicant will be returned within thirty days and there will be no future liability.

INDEMNIFICATION

The Applicant releases and indemnifies Smith & Solomon Commercial Driver Training, its agents and representatives from and against all liabilities, damage and other expenses which may be imposed upon, incurred by or asserted against it to them, by reason of bodily injury or property damage, which may be suffered from any cause while enrolled as a student in the School's training program, and any time thereafter.

RESPONSIBILITIES

The cost of books, supplies, use of equipment and road test is included in the school's tuition. Cost of DOT Physical, Drug Screen, transportation to and from the school, accommodations and meals, permits and licenses are responsibility of the student and are not included in the school's tuition and fees.

COMPLAINT PROCEDURES

Any student with a question or concern regarding training is requested to first discuss it with the Campus Business Manager at the training site. Unresolved complaints, or those regarding any other matter, should be submitted in writing to the School Director or in the absence if that Director, to the School President.

NOTICES

Any holder of this consumer credit contract is subject to all claims and defenses which the debtor could assert against the seller of goods or services obtained pursuant hereto or with the proceeds thereof. Recovery hereunto by the debtor shall be limited to amounts paid by the debtor hereunder. You, the buyer, may cancel this transaction at any time prior to midnight of the fifth calendar day after the effective date of this transaction, provided you have not yet begun training.

Upon graduation from our school, applicant is required to produce a copy of his/her CDL license to Smith & Solomon Commercial Driver Training admissions representative so that same may be copied and inserted in the file. If you do not pay us in full you agree to the attachment of your future wages until said debt is paid in full.

ACKNOWLEDGEMENTS

I have read, understood and received a copy of this contract and of the school's catalog, and agree to abide by all terms and policies stated herein. I certify that this contract contains all the terms of our agreement and that there have been no promises or agreements made other than those contained herein. **I understand that the school does not guarantee employment or a set wage in any way.** This agreement shall be effective when signed by the school's representative.

Applicant's signature _____

Date _____

SMITH & SOLOMON
COMMERCIAL DRIVER TRAINING

Bordentown Driver Training School/DBA Smith & Solomon

**Student Acknowledgement for Drug/Alcohol Abuse Screening,
Random Testing and DOT Medical Cards.**

I, _____, have been informed that the policy of Bordentown Driver Training School LLC, dba Smith and Solomon Commercial Driver Training (herein called the "Company") requires a pre-enrollment controlled substance screening. I understand that if any test (including but not limited to pre-enrollment and random screenings) indicates a positive result for alcohol abuse or illegal drug usage, or if I refuse to test, my training/enrollment process will cease immediately and my tuition will be refunded in accordance to the Company refund policy. I am aware that if I am absent from training for a period greater than 30 days that I will be required to retake the pre-enrollment screening test before returning to school.

I further understand that I may be required to take a random selection drug/alcohol test. I understand that I may refuse to take the screening test but by doing so I am aware that my training will cease immediately.

I am aware that I must acquire and maintain a Federal DOT Medical Card and must have it in my possession at all times.

I understand that the fees associated with my tuition include the following under this policy:

- First/Initial Physical Examination
- First/ Initial Pre-Enrollment Controlled Substance Screening
- Random Drug/Alcohol Testing

***Healthcare providers may charge additional for follow-up office visits and issuance of prescription medications when medical conditions exist. Certain medical conditions need to be monitored and controlled by a physician before a Federal DOT Medical Card can be issued. I fully understand that all charges associated with this are my responsibility. _____ initial**

By signing below, I verify that I have read and understand the policies mentioned above. In accordance with Federal Motor Carrier Safety Regulations, consent is implied for drug/alcohol screenings.

I have received in written form the educational materials and information as outlined in DOT's 49CFR, 382.601(b)

Date: _____

Signed: _____
(Student Driver)

Witness: _____

SSN: _____

Phone: _____

SMITH & SOLOMON***COMMERCIAL DRIVER TRAINING****CONFIDENTIAL STATEMENT OF QUALIFICATION**

This information will help us to help you find out if a professional driving career is for you. Please answer the questions below accurately and complete. If you are not sure of anything, the admissions coordinator will be happy to assist you.

Your Name _____

Phone #: _____ Other #: _____

Address _____ Apt _____

City _____ State _____ Zip _____

Email Address: _____

Emergency Contact: (name) _____ (phone) _____

DOB _____ Marital Status _____ Are you a Veteran? Yes No

Did someone (employer, graduate, etc.) refer you? Yes (who?) _____ No

Are you presently working? Yes No (Job Title) _____ How Long? _____

Are you interested in becoming a: Tractor Trailer (CDL-A) Straight Truck (CDL-B) Bus Driver Not Sure

If you checked Tractor Trailer Driver, are you thinking of: Local Driving Regional Driving Over-the-Road Driving Not Sure

Which training location would suit you best? Bordentown Bellmawr Delaware Philadelphia
 Scranton Linden New Castle Norristown Lakewood Hammonton

License Qualifications:

Do you have difficulty seeing or hearing? Yes No

Do you have any difficulty using your hands, arms, legs or feet? Yes No

Have you ever been treated for diabetes, epilepsy or heart disorder? Yes No

Do you have any record of drug or alcohol abuse? Yes No

Do you have any physical or mental disability that could prevent you from driving in a safe and effective manner? Yes No

Do you presently have points on your driving record? Yes No

Has your license ever been revoked or suspended? Yes No

Have you ever been convicted of driving while intoxicated? Yes No

Have you ever been convicted of a felony and/or misdemeanor? Yes No

Do you have any motor vehicle violations and/or charges pending? Yes No

If you answered "Yes" to any of these questions, please explain: _____

I hereby authorize Smith & Solomon Commercial Driver Training to request and obtain a copy of my driver abstract from the Department of Motor Vehicle as well as any criminal history records from any criminal justice agency in any or all federal, state, county jurisdictions for the purpose of enrollment in the school:

I certify that the above answers are true and complete to the best of my knowledge. I understand that falsifying this document may jeopardize my job placement services and result in the immediate expulsion from Smith & Solomon Commercial Driver Training.

Signed _____

Date _____

SMITH & SOLOMON®
COMMERCIAL DRIVER TRAINING
DRIVER ABSTRACT AND
BACKGROUND REQUEST

Name: _____

Address: _____

Phone: _____

D.L# _____

SS# _____

DOB: _____

COURSE: _____

I hereby authorize Smith & Solomon to request and obtain a copy of my driver abstract from the Department of Motor Vehicle as well as any criminal history records from any criminal justice agency in any or all federal, state, county jurisdictions for the purpose of enrollment in the school:

STUDENT SIGNATURE

DATE

SMITH & SOLOMON*

COMMERCIAL DRIVER TRAINING

Smith & Solomon Code of Conduct

Unprofessional conduct which discredits the individual or Smith & Solomon Commercial Driver Training School will be subject to termination. Students must conduct themselves so they do not interfere with other students or the instructor. The administration of Smith & Solomon reserves the right to terminate a student on any of the following grounds:

- Non-compliance with Smith & Solomon Commercial Driver Training rules and regulations.
- Conduct that reflects unfavorably upon Smith & Solomon or its students.
- Disruptive behavior to faculty members, students, or classmates.
- Unsatisfactory academic progress.
- Excessive absences or tardiness.
- Failure to pay fees when due.
- Cheating.
- Falsifying records.
- Breach of institution enrollment agreement.
- Poor health.
- Entering the institution while under the influence or effects of alcohol, drugs, or narcotics of any kind.
- Carrying a concealed or potentially dangerous weapon.
- Sexual harassment.
- Harassment of any kind including intimidation and discrimination.

Other School Policies:

Audio/Video Equipment – The use of audio/video equipment such as video cameras, cell phones or tape recorders is strictly forbidden while enrolled at Smith & Solomon. If caught using such a device the student will be terminated from the program immediately.

Personal Phone calls and use of cell phones – Unless there is a valid emergency, cell phone use is strictly prohibited at all times while enrolled at Smith & Solomon.

Smoking – There will be no smoking or drinking of coffee or other beverages in the classroom at any time. Smoking while operating a school vehicle is forbidden. Special smoking areas are designated by the School Director.

Lunch – Students are expected to eat their meals in the designated lunch area. No food or drink is allowed in the vehicles.

Dress – All students are expected to wear long pants, t-shirts (must have sleeves). Wear appropriate weather gear. Be neat in appearance.

Shoes – Hard soles are required for CDL students scheduled for yard and road training. Sandals or tennis shoes are not acceptable. Ankle support type shoes are recommended.

Teamwork – All students assigned to a group will work together. Teamwork is very important in the learning process.

Arguing – There will be no arguing among students and/or instructors. Professional drivers face challenging moments and must learn to control their tempers and emotions. Anyone caught arguing or fighting will be terminated immediately.

Accidents – All accidents, no matter how minor, will be reported to the nearest instructor immediately upon happening.

Equipment Abuse – Deliberate abuse of equipment by students will not be tolerated and is grounds for termination. CDL students are not to move any vehicle until told to by their instructor.

Seat Belts – Seat belts must be worn at all times while in a Smith & Solomon vehicle. Anyone caught violating this policy will be dismissed from the school immediately.

Wheel Chocks – All vehicles are to be chocked when parked and or left unattended.

ACKNOWLEDGEMENTS

I have read, understood and received a copy of Smith & Solomon Commercial Driver Training School's student code of conduct and agree to abide by all terms and conditions stated herein.

Applicant's signature _____ Date _____

SMITH & SOLOMON

COMMERCIAL DRIVER TRAINING

Getting Started «ProgramDescription» Program

Student's Name: «FName» «LName»

Your Class Dates: «TermDateDetail» to «LeadExpectedGradDate»

Schedule: «Session»

Weekdays: 7:00 AM to 5:00 PM Monday thru Thursday

Weeknights: 5:00 pm to 10:00 pm Monday thru Wednesday

Weekends: From 7:00 am to 5:00 pm Saturday and Sunday

DOT and Drug Screen on _____ at the _____ Campus

BEFORE YOUR CLASSES BEGIN

- Purchase a commercial driver's permit from your local DMV (Permit Fee \$125).
- Gather and bring your 6 points of identification with you per DMV requirements.
- Ask for a copy of the Commercial Driver's Manual at your local DMV.
- DO NOT TAKE ANY TESTS.

WHAT YOU SHOULD BRING ON YOUR FIRST DAY OF CLASS (BOTH YARD AND ROAD)

CLASSROOM:

- Pencil
- Permit – Blank CDL w/ Endorsements (DMV)
- Two Highlighter
- CDL Manual
- Pen
- Note Pad

YARD & ROAD:

- STEEL TOE BOOTS
- WORK GLOVES
- APPROPRIATE WEATHER GEAR
- GLASSES (if prescribed to you)

******Please see the next page(s) for a list of DMV locations that offer the commercial driver's written exam, as well as DOT Medical Exam Regulations.**

WELCOME TO THE START OF YOUR NEW CAREER!

(Refrigerator and microwave are available on site for student use)

DMV LOCATIONS & HOURS TO TAKE CDL WRITTEN EXAM

Cardiff Harbor Square 6725 Black Horse Pike Egg Harbor Twp, NJ 08234 Mon 8 a.m.-5:30 p.m. Tu 8 a.m.-7:30 p.m. W/Th/F 8 a.m.-5:30 p.m. Sat 8 a.m.-1 p.m. Late Closing Tu 7:30 p.m.	Rio Grande ShopRite Plaza Suite C1-C2 1500 Route 47 South Rio Grande, NJ 08242 Mon 8 a.m.-5:30 p.m. Tu 8 a.m.-7:30 p.m. W/Th/F 8 a.m.-5:30 p.m. Sat 8 a.m.-1 p.m. Late Closing Tu 7:30 p.m.	Vineland 9 W. Park Avenue Vineland, NJ 08360 Mon 8 a.m.-5:30 p.m. Tu 8 a.m.-7:30 p.m. W/Th/F 8 a.m.-5:30 p.m. Sat 8 a.m.-1 p.m. Late Closing Tu 7:30 p.m.	Salem Finlaw Building 199 East Broadway, 1st floor Salem, NJ 08079 Mon 8 a.m.-5:30 p.m. Tu 8 a.m.-7:30 p.m. W/Th/F 8 a.m.-5:30 p.m. Sat 8 a.m.-1 p.m. Late Closing Tu 7:30 p.m.
West Deptford 215 Crown Point Road (I-295 Exit 20) Thorofare, NJ 08086 Mon 8 a.m.-5:30 p.m. Tu 8 a.m.-7:30 p.m. W/Th/F 8 a.m.-5:30 p.m. Sat 8 a.m.-1 p.m. Late Closing Tu 7:30 p.m.	Camden 2600 Mount Ephraim Avenue Camden, NJ 08104 Cherry Hill 1 Executive Campus Rt. 70 & Cuthbert Blvd. Suite 110 Cherry Hill, NJ 08002 Mon 8 a.m.-5:30 p.m. Tu 8 a.m.-7:30 p.m. W/Th/F 8 a.m.-5:30 p.m. Sat 8 a.m.-1 p.m. Late Closing Tu 7:30 p.m.	Eatontown 109 Route 36 Eatontown, NJ 07724 Mon 8 a.m.-5:30 p.m. Tu 8 a.m.-7:30 p.m. W/Th/F 8 a.m.-5:30 p.m. Sat 8 a.m.-1 p.m. Late Closing Tu 7:30 p.m.	Bakers Basin 3200 Brunswick Pike Route 1 North Lawrenceville, NJ 08648 Mon 8 a.m.-5:30 p.m. Tu 8 a.m.-7:30 p.m. W/Th/F 8 a.m.-5:30 p.m. Sat 8 a.m.-1 p.m. Late Closing Tu 7:30 p.m.
Edison 45 Kilmer Road Edison, NJ 08817 Mon 8 a.m.-5:30 p.m. Tu 8 a.m.-7:30 p.m. W/Th/F 8 a.m.-5:30 p.m. Sat 8 a.m.-1 p.m. Late Closing Tu 7:30 p.m.	Rahway 1140 Woodbridge Rd & East Hazelwood Avenue Rahway, NJ 07065 Mon 8 a.m.-5:30 p.m. Tu 8 a.m.-7:30 p.m. W/Th/F 8 a.m.-5:30 p.m. Sat 8 a.m.-1 p.m. Late Closing Tu 7:30 p.m.	Newark 228 Frelinghuysen Avenue Newark, NJ 07114 Mon 8 a.m.-5:30 p.m. Tu 8 a.m.-7:30 p.m. W/Th/F 8 a.m.-5:30 p.m. Sat 8 a.m.-1 p.m. Late Closing Tu 7:30 p.m. Newton 51 Sparta Avenue Newton, New Jersey 07860 Mon 8 a.m.-5:30 p.m. Tu 8 a.m.-7:30 p.m. W/Th/F 8 a.m.-5:30 p.m. Sat 8 a.m.-1 p.m. Late Closing Tu 7:30 p.m.	Bayonne 1347 Kennedy Boulevard & Rte. 440 Family Dollar Plaza Bayonne, NJ 07002 North Bergen Park Plaza 8901 Park Plaza 90th & Bergenline Avenue North Bergen, NJ 07047 Mon 8 a.m.-5:30 p.m. Tu 8 a.m.-7:30 p.m. W/Th/F 8 a.m.-5:30 p.m. Sat 8 a.m.-1 p.m. Late Closing Tu 7:30 p.m.
Randolph 160 Canfield Avenue Randolph, NJ 07869 Mon 8 a.m.-5:30 p.m. Tu 8 a.m.-7:30 p.m. W/Th/F 8 a.m.-5:30 p.m. Sat 8 a.m.-1 p.m. Late Closing Tu 7:30 p.m.	Lodi 8 Mill Street Lodi, NJ 07644 Mon 8 a.m.-5:30 p.m. Tu 8 a.m.-7:30 p.m. W/Th/F 8 a.m.-5:30 p.m. Sat 8 a.m.-1 p.m. Late Closing Tu 7:30 p.m.	Paterson 125 Broadway Suite 201 Paterson, NJ 07505 Wayne 481 Route 46 West Wayne, New Jersey 07470 Mon 8 a.m.-5:30 p.m. Tu 8 a.m.-7:30 p.m. W/Th/F 8 a.m.-5:30 p.m. Sat 8 a.m.-1 p.m. Late Closing Tu 7:30 p.m.	Washington 404 East Washington Avenue Washington, NJ 07882 Mon 8 a.m.-5:30 p.m. Tu 8 a.m.-7:30 p.m. W/Th/F 8 a.m.-5:30 p.m. Sat 8 a.m.-1 p.m. Late Closing Tu 7:30 p.m.

Infinity Medical Services

What You Need To Know About Your Commercial Driver Medical Exam

Also known as the "DOT" exam, the Federal Motor Carriers Safety Administration (FMCSA) regulates the medical qualifications of commercial drivers in the Code of Federal Regulations 49 CFR 391.41

Medical Examiners are require to provide the evaluation according to regulations outlined in 49 CFR 391.43 and 49 CFR 391.41 Part IV - Guidance/Advisory Criteria

In general, you should **make sure you are taking any prescribed medication as directed**, and bring a list of any medications you are taking, in addition to a list of any medical conditions you are being treated for.

Below is some general information you should know to help you pass your physical exam.

- **Vision:** Must be 20/40 in each eye. If you wear glasses or contacts, you must bring them. If it has been a long time since your last prescription, you may want to update your prescription before your exam.
- **Hearing:** If you wear a hearing aid, make sure they are working, you have fresh batteries, and have been updated if a long time since you've had them.
- **Diabetes:** If you require insulin to control your diabetes, you may not be certified to drive a commercial vehicle under DOT regulations. If you are controlled by diet, exercise and/or medication, you can be certified for up to one year if you are well controlled. **It is helpful if you bring any recent blood sugar tests with you.** A recent copy of your HGBA1C level may be required to show that your diabetes is well controlled and stable.
- **Heart problems:** Bring your medication, and a history or records of recent examinations, blood tests, electrocardiograms, stress tests, or any other tests such as ECHO cardiograms. If you had a heart attack, stent placement or valve/bypass surgery you will need to bring copies of your most recent stress test/echocardiogram reports and have your cardiologist clear you to operate a commercial motor vehicle
- **High Blood pressure or Hypertension:** **Make sure you are taking your medication as directed, as your blood pressure must be controlled to pass.** You could be certified for 1 year if you are taking medication for your blood pressure and it is less than 140/90.
- **Lung Problems/Sleep Apnea:** If you are using any inhalers or oral breathing medication, make sure you are taking them as directed. If you have had a sleep study for sleep apnea and it was "negative" bring a copy of the report. **If you have sleep apnea, make sure you bring a copy of your "compliance report" from the CPAP machine to show you are using it as directed.**
- **Musculoskeletal problems:** If you have had a severely disabling injury or orthopedic problem impairing the use of your hands, arms, legs or feet, bring any recent medical documentation with you.
- **Epilepsy:** You may not be certified if you have epilepsy or are being treated or have been treated for a seizure disorder or convulsions in the past 10 years. In some cases, if a seizure was related to another condition which has resolved, you may be certified after 5 years. If you require anti-seizure medication, you cannot be certified. Bring any relevant medical records.
- **Mental, nervous, neurological or psychiatric diseases:** You may be certified with certain conditions if well controlled. You are disqualified if a condition is likely to interfere with the safe operation of a commercial motor vehicle.
- **Alcoholism/substance abuse:** You cannot be certified if you carry a current diagnosis of alcoholism, or currently abuse controlled, narcotic, or illegal substances.

If you have no automatically disqualifying conditions, we will provide every opportunity for at least a temporary (3 month) certificate if the examiner needs further documentation.

PRIOR TO YOUR DOT PHYSICAL:

- ✓ Remember to bring your eye glasses
- ✓ Drink water! Be ready to provide a urine sample.
- ✓ Cutting back on caffeine and nicotine can help improve your blood pressure.
- ✓ Reducing the amount of salty foods you eat and avoiding adding salt to your food can also help to lower your blood pressure. Keep in mind that reducing sodium intake involves more than not using a salt shaker, but also checking for the sodium content in processed and prepared foods. Read the labels, and try to limit your sodium intake to less than 2000mg per day.
- ✓ Eat a Wide Variety of Natural Foods. Variety means fruits, vegetables, mushrooms, nuts, grains, seeds, meat, fish, eggs, milk, honey.
- ✓ Take Vitamins - Many vitamins have been shown to reduce hypertension but vitamins C, E, B5, B6 and folic acid, which is also a B vitamin have been the most effective.
- ✓ Increase Calcium – This can be done by consuming low-fat dairy products or taking calcium supplements.
- ✓ Increase Potassium - This can be done easily by consuming foods such as cauliflower, cabbage, oranges, melons, bananas, and other fruits & vegetables.
- ✓ Increase Magnesium - Soy, beans, wheat germ, rice, nuts and bananas are a good source of magnesium.
- ✓ If you have a history of Diabetes, take your medications as directed by your health care provider, and cut back on high calorie snack foods and desserts like chips, cookies, cakes, donuts, soda, ice tea, and full-fat ice cream.
- ✓ The week before your DOT physical exam, cut back on coffee, sodas, energy drinks, potato chips, etc, and don't add salt to your food. Also reduce your use of nicotine as much as possible. Doing this can help lower your blood pressure reading.

We at Infinity Medical Services understand that passing your DOT physical exam is important to your career and livelihood, and we are here to do everything we can to help you. If you have any questions please feel free to contact us. 1-800-991-5197 or e-mail us at: info@infinityMD.org



Student Emergency Contact Information

Please provide 2 Emergency Contacts:

Name: _____

Phone Number: _____

Name: _____

Phone Number: _____

SMITH & SOLOMON
COMMERCIAL DRIVER TRAINING
DRIVER ABSTRACT AND
BACKGROUND REQUEST

Name: _____

Address: _____

Phone: _____

D.L# _____

SS# _____

DOB: _____

COURSE: _____

I hereby authorize Smith & Solomon to request and obtain a copy of my driver abstract from the Department of Motor Vehicle as well as any criminal history records from any criminal justice agency in any or all federal, state, county jurisdictions for the purpose of enrollment in the school:

STUDENT SIGNATURE

DATE

STUDENT VERSION

DRUG AND ALCOHOL ABUSE POLICY FOR EMPLOYEES/STUDENTS PERFORMING SAFETY SENSITIVE FUNCTIONS

Bordentown Driver Training is dedicated to the health and safety of our employees. Drug and/or alcohol use may pose a serious threat to health and safety. Therefore, it is the policy of Bordentown Driver Training to prevent the use of drugs and abuse of alcohol from having an adverse effect on our employees and students. The federal government has recognized the serious impact of drug use and alcohol abuse. The Federal Motor Carrier Safety Administration (FMCSA) has issued regulations, which require the company to implement an alcohol and controlled substances testing program. The purpose of the FMCSA regulations is to establish programs designed to help prevent accidents and injuries resulting from the misuse of alcohol or use of controlled substances by drivers of commercial motor vehicles.

Bordentown Driver Training has implemented the same program for company employees and students who work in safety sensitive positions not under the direct jurisdiction of the FMCSA. In addition, Bordentown Driver Training may conduct testing beyond the requirements of the FMCSA on employees who are not covered under Section § 382 of the Federal Motor Carriers Safety Regulations. This expanded testing program is a requirement of Bordentown Driver Training and is not represented as being conducted under Section § 382 of the Federal Motor Carriers Safety Regulations.

The covered employee/student is responsible for complying with the requirements set forth in this policy. The covered employee/student will not use, have possession of, abuse, or have the presence of alcohol or any controlled substance in excess of regulation established threshold levels while on duty. The covered employee/student will not use alcohol within 4 hours before performing a safety-sensitive function, while performing a safety-sensitive function, or immediately after performing a safety-sensitive function.

It is the policy of Bordentown Driver Training that the use, sale, purchase, transfer, possession, or presence in one's system of any controlled substance (except medically prescribed drugs) by any covered employee/student while on company premises, engaged in company business, operating company equipment, or while under the authority of Bordentown Driver Training is strictly prohibited. Disciplinary action will be taken as necessary. Neither this policy nor any of its terms are intended to create a contract of employment or contain the terms of any contract of employment. The company retains the sole right to change, amend, or modify any term or provision of this policy without notice. This revised policy is effective January 1, 2007, and will supersede all prior policies and statements relating to alcohol or drugs.

Alcohol Prohibitions

Part 382, Subpart B, prohibits any alcohol misuse that could affect performance of safety-sensitive functions.

This alcohol prohibition includes:

- Use while performing safety-sensitive functions;
- Use during the 4 hours before performing safety-sensitive functions;
- Reporting for duty or remaining on duty to perform safety-sensitive functions with an alcohol concentration of 0.04 or greater;
- Use of alcohol for up to 8 hours following an accident or until the covered employee undergoes a post-accident test;
- Refusal to take a required test.

Drug Prohibitions

Part 382, Subpart B, prohibits any drug use that could affect the performance of safety-sensitive functions.

This drug prohibition includes:

- Use of any drug, except when administered to a covered employee/student by, or under the instructions of, a licensed medical practitioner, who has advised the covered employee/student that the substance will not affect the covered employee's ability to safely operate a commercial motor vehicle. Testing positive for drugs; or refusing to take a required test.
- All covered employees/students will inform their Campus Business Manager of any therapeutic drug use prior to performing a safety-sensitive function. He/she may be required to present written evidence from a health care professional which describes the effects such medications may have on the covered employee's/student's ability to perform his/her tasks.

Any student who violates any of the above policies will be subject to discipline including termination of training. Bordentown Driver Training reserves the right to alter this and any of its policies without notice.

Previous Employer Alcohol and Drug Testing Information

Under FMCSA rules, Bordentown Driver Training is required to obtain alcohol and drug testing information on covered employees from previous employers for a period of three years prior to the application for employment. Although this does not apply to students, it is important that each student be aware that their future employers will be required to do this.

- The covered employee must provide written consent to Bordentown Driver Training to obtain drug and alcohol testing information from previous employers.
- If a covered employee does not provide written consent, Bordentown Driver Training cannot permit the covered employees to operate a commercial motor vehicle or conduct other safety sensitive functions. Bordentown Driver Training may at its discretion, obtain drug and alcohol testing information directly from the covered employee, providing the documents can be verified as true and accurate.
- If Bordentown Driver Training learns from a previous employer that a covered employee has tested positive for drugs, had an alcohol test result of 0.04 or greater, or has refused to be tested, the covered employee cannot be used to perform safety sensitive functions until proof is given that the covered employee has met the return-to-duty requirements described in FMCSA regulations.
- A complete description of covered employees' rights to review and contest responses to previous employment checks is available in a separate memorandum.

(No information will be requested from a student's previous employer)

DRUG & ALCOHOL TESTING PROGRAM SUMMARY DESCRIPTION

Covered Employees: The testing program applies to all employees/students and prospective employees/students required to hold a CDL/Permit and other employees in safety sensitive positions. These positions include, but are not limited to, students, instructors, business managers, and other positions considered by Bordentown Driver Training to be safety sensitive.

Safety Sensitive Function: Safety-sensitive is defined by the company.

Methods of Testing: Testing for controlled substances will be by urine specimen. Alcohol testing will be by breath analysis. Testing may be conducted immediately prior to reporting for duty, while on-duty and immediately after completing duty. FMCSA rules concerning collection of specimens, custody, and substance thresholds apply to this program.

Program Administration: The testing, medical review and employee assistance parts of the program are administered by a program administrator. The current administrator is the company DER. The program administrator uses outside vendors for the collection of urine samples and breath analyses.

Types and Frequency of Testing: Testing for controlled substances will be conducted before employment, on a random basis during employment, after certain accidents, upon reasonable cause, and as a follow-up for a positive screen. Testing for alcohol will be conducted on a random basis during employment, after certain accidents, upon reasonable cause and as a follow-up for a positive screen.

Pre-Employment Testing: Prior to reporting for work every potential employee is required to be tested negative for the use of controlled substances. A confirmed positive test result will disqualify that person from employment. Any leave of absence greater than 30 days, where an employee/student is removed from the random drug test pool, will require the employee/student to take a pre employment/pre-training drug screening test before returning to perform safety sensitive functions

Random Testing: Every covered employee/student is subject to the random testing program. The Director of Safety provides the list of individuals to be tested each month. Bordentown Driver Training will notify the randomly selected employees for scheduling of tests.

Post-Accident Testing: Every covered employee/student who is involved in a recordable accident in which there is a loss of a human life or the employee is cited must provide a urine sample and a breath sample in accordance with the collection procedures of the testing program administrator. The urine sample must be provided as soon as possible following the accident but in no event later than 32 hours thereafter. A recordable accident is one that results in the death of a human being, bodily injury to a person requiring immediate medical treatment away from the scene of the accident, or disabling damage to a vehicle requiring it to be towed from the scene. Bordentown Driver Training may require a post accident testing which goes beyond the requirements of § 382 of the Federal Motor Carrier Safety Regulations. This expanded testing is conducted under Bordentown Driver Training policy and is not represented as being conducted under § 382 of the Federal Motor Carrier Safety Regulations.

Reasonable Suspicion Testing: Any covered employee/student will be required to submit to testing whenever supervisory personnel have reasonable suspicion to believe that the employee may have used a controlled substance or alcohol. Under FMCSA rules, only a single supervisor is required to initiate actions to accomplish reasonable suspicion testing. In the event of testing upon reasonable suspicion, the supervisor and witness (if available) will prepare and sign a statement of conduct observed within 24 hours of the observed behavior or before test results are released, whichever occurs sooner. Supervisors are trained in the observance of behavior related to the use of controlled substances and alcohol.

Prohibited Conduct: The following conduct is prohibited for covered employees/students:

- 1) Reporting for duty, being on duty or immediately after leaving duty having a blood alcohol content (BAC) of 0.04 or greater. (A BAC of 0.02 to 0.039 will result in the employee being immediately suspended for at least 24 hours.)
- 2) Possessing any form or amount of alcohol or alcoholic beverage while on duty.
- 3) Consuming any alcohol while on duty.
- 4) Consuming any alcohol within 4 hours of reporting for duty.
- 5) Consuming any alcohol within 8 hours following an accident that requires post-accident testing.
- 6) Refusal to submit to any testing required under the program.
- 7) Use of any controlled substance as defined by the FMCSA.
- 8) Testing positive for any controlled substance as defined by the FMCSA.

Refusal Submission: According to Sec. 382.211, a covered employee/student may not refuse to submit to a postaccident, random, reasonable suspicion, or follow-up alcohol or controlled substances test required by the regulations. A covered employee/student who refuses to submit to such tests may not perform or continue to perform safety-sensitive functions and must be evaluated by a substance abuse professional as if the covered employee tested positive for drugs or failed an alcohol test. Refusal to submit includes failing to provide adequate breath or urine sample for alcohol or drug testing and any conduct that obstructs the testing process. This includes adulteration or substitution of a urine sample. Refusal to test is considered a "positive test result" under FMCSA rules.

Consequences of Employees Engaged in Prohibited Conduct: Except as noted above or as required by FMCSA regulations, any covered employee whose urine or breath sample tests positive for the presence of a controlled substance may, at Bordentown Driver Trainings discretion, may either be terminated or be suspended from employment/training, without pay, for a period of up to 12 weeks for the purpose of undertaking a qualified program of counseling and rehabilitation. The program of rehabilitation must be undertaken at a recognized facility for treatment of chemical dependency, alcohol dependency or controlled substance abuse or under the direct supervision of a licensed medical doctor.

Upon completion of the treatment program and before returning to active service, the suspended employee/student must test negative for controlled substances and alcohol. The attending physician or treatment program director must certify that the suspended employee/student is capable of resuming his or her duties in a safe manner. Following treatment the employee/student must continue to participate in an after-care program for sixty months. Such

employee/student will be subject to the standard testing program and, in addition, may be required to be tested as often as every month.

During the first year following treatment, the employee/student must be tested at least 6 times. An employee/student who again tests positive for the use of controlled substances or alcohol will be discharged and will not be eligible for rehire/training. Any employee/student who refuses to be tested under this program will be discharged and will not be eligible for rehire/training.

Confidentiality: The Director of Safety will reveal to the company only the identity of the person tested, the date of the test, whether the test result was negative or positive, and such other information as permitted by the FMCSA. Any tested person may obtain directly from the program administrator information as to the specific types and quantities of controlled substances or alcohol revealed by his or her test. Other information will be released only in accordance with FMCSA regulations.

Medical Officer's Review: The program's medical review officer (MRO) examines all positive test results before they are released. The MRO is a licensed physician with knowledge of substance abuse disorders. No positive test result will be verified by the MRO prior to consideration of alternate medical explanations for the result. The tested person has the opportunity to discuss any positive test before it is finally verified by the MRO. The MRO may order additional testing. Any additional or "split sample" testing accomplished is at the expense of the covered employee. Any person tested will be asked to provide information concerning legal use of controlled substances (including prescription drugs) when such information might explain the presence of a controlled substance.

Questions Regarding the Program. Any questions regarding Bordentown Driver Trainings Controlled Substances and Alcohol Testing Program can be answered by the Director of Safety.

Additional Information: Information relating to the effects of alcohol and controlled substance use on health, work and personal life, and the signs and symptoms of an alcohol or substance abuse problem is provided by Bordentown Driver Training in the Driver Awareness Training Handbook or appropriate handout..

The testing program is intended to comply with FMCSA regulations and incorporates by reference to those regulations. This summary description of the program is provided as a convenience. It is not intended to modify, expand or restrict the scope of the FMCSA regulations. Bordentown Driver Training may change this program without notice.

Employment information

Bordentown Driver Training requires a signed authorization from a former employee/student or governmental order before releasing information about the former employee to third parties. In response to past employment verifications, Bordentown Driver Training releases only the former employee's/student's dates of employment/training and the position held. In the case of former employees/students who were subject to the company's substance testing program, Bordentown Driver Training also releases the information required by law.



JOB PLACEMENT AVAILABILITY ACKNOWLEDGEMENT

According to information supplied by you, the following could limit your ability to become employed in the trucking industry:

- Your driving record**
- Your criminal record**
- Your age**
- Other** _____

By signing this you acknowledge this potential restriction. You will still receive the career guidance services offered by the school.

Name (print)

Signature _____ **Date** _____

SMITH & SOLOMON*
COMMERCIAL DRIVER TRAINING

EMPLOYMENT INFORMATION RELEASE

To Whom It May Concern:

I «FName»«LName», hereby authorize the release of information to the Smith & Solomon Commercial Driver Training, including but not limited to dates of employment, salary history, employment history, and any employment related documents.

This release is executed with full knowledge and understanding, and shall remain in effect until such time as I provide a written notice to the Company withdrawing this release.

Student/Employee Signature

Date

EXHIBIT 19

MEDICAL EXAMINER'S CERTIFICATE					
<p>I certify that I have examined <u>Kenneth Friend</u> In accordance with the Federal Motor Carrier Safety Regulations (49 CFR 391.41-391.49) and with knowledge of the driving duties, I find this person is qualified; and, if applicable, only when:</p>					
<p><input checked="" type="checkbox"/> wearing corrective lenses <input checked="" type="checkbox"/> wearing hearing aid <input type="checkbox"/> accompanied by a _____ waiver exemption</p>					
<p>The information I have provided regarding this physical examination is true and complete. A complete examination form with any attachment embodies my findings completely and correctly, and is on file in my office.</p>					
<p>SIGNATURE OF MEDICAL EXAMINER</p> 		<p>TELEPHONE</p>	<p>DATE</p>		
<p>MEDICAL EXAMINER'S NAME (PRINT)</p> <p><u>Lawrence J. Marino, M.D.</u></p>		<p>(718) 323-3589</p>	<p>9/18/13</p>		
<p>MEDICAL EXAMINER'S LICENSE OR CERTIFICATE NO./ISSUING STATE</p> <p>NY. S # 185990</p>					
<p>SIGNATURE OF DRIVER</p> 		<p>DRIVER'S LICENSE NO.</p>	<p>STATE</p>		
<p>ADDRESS OF DRIVER</p> <p>330 Beach 90th Street, Rockaway Beach NY 11693</p>					
<p>MEDICAL CERTIFICATE EXPIRATION DATE</p> <p>9/18/15</p>					

DEFENDANT'S
DEPOSITION
EXHIBIT
BDTS - 14

**Medical Examination Report
FOR COMMERCIAL DRIVER FITNESS DETERMINATION**

649-F (6045)

PLA19

1. DRIVER'S INFORMATION

Driver completes this section

Driver's Name (Last, First, Middle) <i>Fri/ano, Kenneth</i>	Social Security No.	Birthdate <i>09/25/1962</i> M/D/Y	Age	Sex <input checked="" type="checkbox"/> M <input type="checkbox"/> F	New Certification <input type="checkbox"/> Recertification <input type="checkbox"/> Follow-up <input type="checkbox"/>	Date of Exam
Address <i>330 Beach Rd St</i>	City, State, Zip Code <i>Rockaway Beach NY 11693</i>	Work Tel: () <i></i>	Home Tel: () <i></i>	Driver License No.	License Class <input type="checkbox"/> A <input type="checkbox"/> B <input type="checkbox"/> C <input type="checkbox"/> D <input type="checkbox"/> Other	State of Issue

2. HEALTH HISTORY

Driver completes this section, but medical examiner is encouraged to discuss with driver.

Yes	No	Any illness or injury in the last 5 years? <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>	Head/Brain injuries, disorders or illnesses <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>	Seizures, epilepsy <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>	Eye disorders or impaired vision (except corrective lenses) <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>	Ear disorders, loss of hearing or balance <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>	Heart disease or heart attack, other cardiovascular condition <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>	Medication <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>	Hear surgery (valve replacement/bypass, angioplasty, pacemaker) <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>	High blood pressure <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>	Muscular disease <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>	Shortness of breath <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>
-----	----	---	--	---	--	--	--	---	--	--	---	--

Yes	No	Lung disease, emphysema, asthma, chronic bronchitis <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>	Kidney disease, dialysis <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>	Digestive problems <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>	Diabetes or elevated blood sugar controlled by: <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	Diet <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>	Pills <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>	Insulin <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>	Nervous or psychiatric disorders, e.g., severe depression <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>	Medication <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>	Loss of, or altered consciousness <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>
-----	----	--	---	---	--	---	--	--	--	---	--

Yes	No	Fainting, dizziness <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>	Sleep disorders, pauses in breathing while asleep, daytime sleepiness, loud snoring <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>	Stroke or paralysis <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>	Missing or impaired hand, arm, foot, leg, finger, toe <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>	Spinal injury or disease <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>	Chronic low back pain <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>	Regular, frequent alcohol use <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>	Marijuana or habit forming drug use <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>
-----	----	--	--	--	--	---	--	--	--

For any YES answer, indicate onset date, diagnosis, treating physician's name and address, and any current limitation. List all medications (including over-the-counter medications) used regularly or recently.

I certify that the above information is complete and true. I understand that inaccurate, false or missing information may invalidate the examination and my Medical Examiner's Certificate.

Driver's Signature *Kenneth Friano*Date *12/13/2014*

Medical Examiner's Comments on Health History (The medical examiner must review and discuss with the driver any "yes" answers and potential hazards of medications, including over-the-counter medications, while driving. This discussion must be documented below.)

The patient was seen today (12/13/14) - the patient's weight was discussed - he is also congenitally deaf - (see ENT note for details)

TESTING (Medical Examiner completes Section 3 through 7) Name: Last, Friland First, Kenneth Middle,

3. VISION

Standard: At least 20/40 acuity (Snellen) in each eye with or without correction. At least 70 degrees peripheral in horizontal meridian measured in each eye. The use of corrective lenses should be noted on the Medical Examiner's Certificate.

INSTRUCTIONS: When other than the Snellen chart is used, give test results in Snellen-comparable values. In recording distance vision, use 20 feet as normal. Report visual acuity as a ratio with 20 as numerator and the smallest type read at 20 feet as denominator. If the applicant wears corrective lenses, these should be worn while visual acuity is being tested. If the driver habitually wears contact lenses, or intends to do so while driving, sufficient evidence of good tolerance and adaptation to their use must be obvious. **Monocular drivers are not qualified.**

L. Jacobson, M.D.
License #191576

ACUITY	UNCORRECTED	CORRECTED	HORIZONTAL FIELD OF VISION
Right Eye	20/ 200	20/ 20	Right Eye <u>70</u> °
Left Eye	20/ 150	20/ 20	Left Eye <u>70</u> °
Both Eyes	20/ 150	20/ 20	<u>Q20</u> °

Complete next line only if vision testing is done by an ophthalmologist or optometrist

7/21/13, Peter F. Friland, O.D.,
Date of Examination Name of Ophthalmologist or Optometrist (print)

718-474-1234,
Tel. No.

NY 077929,
License No./State of Issue

Applicant can recognize and distinguish among traffic control signals and devices showing standard red, green, and amber colors? Yes No
 Corrective Lenses

Monocular Vision: Yes No

*wide fields tested
monocular vision - no problem*

Peter Friland,
Signature

4. HEARING Standard: a) Must first perceive forced whispered voice ≥ 5 ft., with or without hearing aid, or b) average hearing loss in better ear ≤ 40 dB
 Check if hearing aid used for tests. Check if hearing aid required to meet standard.

INSTRUCTIONS: To convert audiometric test results from ISO to ANSI, -14 dB from ISO to ANSI. **ANSI** (dB) = **ISO** (dB) - 8.5 dB for 2000 Hz. To average, add the readings for 3 frequencies tested and divide by 3.

Numerical readings must be recorded.

a) Record distance from individual at which forced whispered voice can first be heard.	Right ear 1 Foot	Left Ear 1 Foot

<u>157-02 Cross Bay Blvd.</u> <u>Rockaway Beach, NY 11414</u>		Right Ear	Left Ear				
		500 Hz	1000 Hz	2000 Hz	500 Hz	1000 Hz	2000 Hz
b) If audiotest was used (recording loss in decibels (dB) ANSI 224.5-95))		95	100	110	82	88	94
Average:		98			Average:	87	

5. BLOOD PRESSURE/PULSE RATE

Numerical readings must be recorded. Medical Examiner should take at least two readings to confirm BP.

6. LABORATORY AND OTHER TEST FINDINGS

Numerical readings must be recorded.

URINE SPECIMEN	SP. GR.	PROTEIN	BLOOD	SUGAR
<u>1.027</u>	<u>Neg</u>	<u>Neg</u>	<u>Neg</u>	

Urinalysis is required. Protein, blood or sugar in the urine may be an indication for further testing to rule out any underlying medical problem.

Other Testing (Describe and record)

None

7. PHYSICAL EXAMINATION

Height: 5'10" (in.) Weight: 310 (lbs.)

Name: Last, Fr. Vlonda First, Kenneth Middle, -

Firsl, Kenneth Middle, -

Middle, -

The presence of a certain condition may not necessarily disqualify a driver, particularly if the condition is controlled adequately, is not likely to worsen or is readily amenable to treatment. Even if a condition does not disqualify a driver, the medical examiner may consider deferring the driver temporarily. Also, the driver should be advised to take the necessary steps to correct the condition as soon as possible particularly if the condition, if neglected, could result in more serious illness that might affect driving.

Check YES if there are any abnormalities. Check NO if the body system is normal. Discuss any YES answers in detail in the space below, and indicate whether it would affect the driver's ability to operate a commercial motor vehicle safely. Enter applicable item number before each comment. If organic disease is present, note that it has been compensated for. See Instructions to the Medical Examiner for guidance.

BODY SYSTEM	CHECK FOR:	YES*	NO	BODY SYSTEM	CHECK FOR:	YES*	NO
1. General Appearance	Marked overweight, tremor, signs of alcoholism, problem drinking, or drug abuse.	✓		7. Abdomen and Viscera	Enlarged liver, enlarged spleen, masses, bruits, hernia, significant abdominal wall muscle weakness.	✓	
2. Eyes	Pupillary equality, reaction to light, accommodation, ocular motility, ocular muscle imbalance, extraocular movement, nystagmus, exophthalmos. Ask about retinopathy, cataracts, aphakia, glaucoma, macular degeneration and refer to a specialist if appropriate.			8. Vascular System	Abnormal pulse and amplitude, carotid or arterial bruits, varicose veins.	✓	
3. Ears	Scarring of tympanic membrane, occlusion of external canal, perforated eardrums.			9. Genito-urinary System	Hernias.		
4. Mouth and Throat	Irreversible deformities likely to interfere with breathing or swallowing.			10. Extremities-Limb impaired. Driver may be subject to SPE certificate if otherwise qualified.	Loss or impairment of leg, foot, toe, arm, hand, finger, Perceptible limp, deformities, atrophy, weakness, paralysis, clubbing, edema, hypotonia, insufficient grasp and prehension in upper limb to maintain steering wheel grip. Insufficient mobility and strength in lower limb to operate pedals properly.		
5. Heart	Murmurs, extra sounds, enlarged heart, pacemaker, implantable defibrillator.			11. Spine, other musculoskeletal	Previous surgery, deformities, limitation of motion, tenderness.	✓	
6. Lungs and chest, not including breast examination	Abnormal chest wall expansion, abnormal respiratory rate, abnormal breath sounds including wheezes or alveolar rales, impaired respiratory function, cyanosis. Abnormal findings on physical exam may require further testing such as pulmonary tests and/or x-ray of chest.			12. Neurological	Impaired equilibrium, coordination or speech pattern; asymmetric deep tendon reflexes, sensory or positional abnormalities, abnormal patellar and Babinski's reflexes, ataxia.	✓	

*COMMENTS: He had a total hip replacement in 2003.

Note certification status here. See Instructions to the Medical Examiner for guidance.

- Meets standards in 49 CFR 391.41; qualifies for 2 year certificate
- Does not meet standards
- Meets standards, but periodic monitoring required due to _____
- Driver qualified only for: 3 months 6 months 1 year Other

Temporarily disqualified due to (condition or medication): _____

Return to medical examiner's office for follow up on _____

Medical Examiner's signature Lawrence M. DeRosa, M.D.
Medical Examiner's name Lawrence M. DeRosa, M.D.
Address 156-40 East 160th Street Bronx, NY 10461
Telephone Number (718) 323-3589

49 CFR 391.41 Physical Qualifications for Drivers

THE DRIVER'S ROLE

Responsibilities, work schedules, physical and emotional demands, and lifestyles among commercial drivers vary by the type of driving that they do. Some of the main types of drivers include the following: turn around or short relay (drivers return to their home base each evening); long relay (drivers drive 9-11 hours and then have at least a 10-hour off-duty period), straight through haul (cross country drivers); and team drivers (drivers share the driving by alternating their 5-hour driving periods and 5-hour rest periods.)

The following factors may be involved in a driver's performance of duties: abrupt schedule changes and rotating work schedules, which may result in irregular sleep patterns and a driver beginning a trip in a fatigued condition; long hours, extended time away from family and friends, which may result in lack of social support; tight pickup and delivery schedules, with irregularly in work, rest, and eating patterns, adverse road, weather and traffic conditions, which may cause delays and lead to hurriedly loading or unloading cargo in order to compensate for the lost time; and environmental conditions such as excessive vibration, noise, and extremes in temperature. Transporting passengers or hazardous materials may add to the demands on the commercial driver.

There may be duties in addition to the driving task for which a driver is responsible and needs to be fit. Some of these responsibilities are: coupling and uncoupling trailer(s) from the tractor; loading and unloading trailer(s) (sometimes a driver may lift a heavy load or unload as much as 50,000 lbs. of freight after sitting for a long period of time without any stretching period); inspecting the operating condition of tractor and/or trailer(s) before, during and after delivery of cargo; lifting, installing, and removing heavy tire chains; and, lifting heavy tarpaulins to cover open top trailers. The above tasks demand agility, the ability to bend and stoop, the ability to maintain a crouching position to inspect the underside of the vehicle, frequent entering and exiting of the cab, and the ability to climb ladders on the tractor and/or trailer(s).

In addition, a driver must have the perceptual skills to monitor a sometimes complex driving situation, the judgment skills to make quick decisions, when necessary, and the manipulative skills to control an oversize steering wheel, shift gears using a manual transmission, and maneuver a vehicle in crowded areas.

§391.45 PHYSICAL QUALIFICATIONS FOR DRIVERS

(a) A person shall not drive a commercial motor vehicle unless he is physically qualified to do so and, except as provided in §391.67, has on his person the original, or a photographic copy, of a medical examiner's certificate that he is physically qualified to drive a commercial motor vehicle.

(b) A person is physically qualified to drive a motor vehicle if that person:

(1) Has no loss of a foot, a leg, a hand, or an arm, or has been granted a Skill Performance Evaluation (SPE) Certificate (formerly Limb Waiver Program) pursuant to §391.49.

(2) Has no impairment of: (i) A hand or finger which interferes with prehension or power grasping; or (ii) An arm, foot, or leg which interferes with the ability to perform normal tasks associated with operating a commercial motor vehicle; or any other significant limb defect or limitation which interferes with the ability to perform normal tasks associated with operating a commercial motor vehicle; or has been granted a SPE Certificate pursuant to §391.49.

(3) Has no established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control;

(4) Has no current clinical diagnosis of myocardial infarction, angina, pectoris, coronary insufficiency, thrombosis, or any other cardiovascular disease of a variety known to be accompanied by syncope, dyspnea, collapse, or congestive cardiac failure.

(5) Has no established medical history or clinical diagnosis of a respiratory dysfunction likely to interfere with his ability to control and drive a commercial motor vehicle safely.

(6) Has no current clinical diagnosis of high blood pressure likely to interfere with his ability to operate a commercial motor vehicle safely.

<p>(7) Has no established medical history or clinical diagnosis of rheumatic, arthritic, orthopedic, muscular, neuromuscular, or vascular disease which interferes with his ability to control and operate a commercial motor vehicle safely.</p> <p>(8) Has no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control a commercial motor vehicle;</p> <p>(9) Has no mental, nervous, organic, or functional disease or psychiatric disorder likely to interfere with his ability to drive a commercial motor vehicle safely;</p> <p>(10) Has distant visual acuity of at least 20/40 (Snellen) corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of at least 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision of at least 70 degrees in the horizontal meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing standard red, green and amber;</p>

<p>(11) First perceives a forced whispered voice in the better ear not less than 5 feet with or without the use of a hearing aid, or, if tested by use of an audiometric device, does not have an average hearing loss in the better ear greater than 40 decibels at 500 Hz, 1,000 Hz and 2,000 Hz with or without a hearing device when the audiometric device is calibrated to the American National Standard (formerly ASA Standard) 224.5-1951;</p>

INSTRUCTIONS TO THE MEDICAL EXAMINER

General Information

The purpose of this examination is to determine a driver's physical qualification to operate a commercial motor vehicle (CMV) in interstate commerce according to the requirements in 49 CFR 391.41-49. Therefore, the medical examiner must be knowledgeable of these requirements and guidelines developed by the FMCSA to assist the medical examiner in making the qualification determination. The medical examiner should be familiar with the driver's responsibilities and work environment and is referred to the section on the form, **The Driver's Role**.

In addition to reviewing the Health History section with the driver and conducting the physical examination, the medical examiner should discuss common prescriptions and over-the-counter medications relative to the side effects and hazards of these medications while driving. Educate the driver to read warning labels on all medications. History of certain conditions may be cause for rejection, particularly if required by regulation, or may indicate the need for additional laboratory tests or more stringent examination perhaps by a medical specialist. These decisions are usually made by the medical examiner in light of the driver's job responsibilities, work schedule and potential for the conditions to render the driver unsafe.

Medical conditions should be recorded even if they are not cause for denial, and they should be discussed with the driver to encourage appropriate remedial care. This advice is especially needed when a condition, if neglected, could develop into a serious illness that could affect driving.

If the medical examiner determines that the driver is fit to drive and is also able to perform non-driving responsibilities as may be required, the medical examiner signs the medical certificate which the driver must carry with his/her license. The certificate must be dated. Under current regulations, the certificate is valid for two years, unless the driver has a medical condition that does not prohibit driving but does require more frequent monitoring. In such situations, the medical certificate should be issued for a shorter length of time. The physical examination should be done carefully and at least as complete as is indicated by the attached form. Contact the FMCSA at (202) 366-1790 for further information (a vision exemption, qualifying drivers under 49 CFR 391.64, etc.).

Interpretation of Medical Standards

Since the issuance of the regulations for physical qualifications of commercial drivers, the Federal Motor Carrier Safety Administration (FMCSA) has published recommendations called **Advisory Criteria** to help medical examiners in determining whether a driver meets the physical qualifications for commercial driving. These recommendations have been condensed to provide information to medical examiners that (1) is directly relevant to the physical examination and (2) is not already included in the medical examination form. The specific regulation is printed in italics and its reference by section is highlighted.

Federal Motor Carrier Safety Regulations -Advisory Criteria-

Diabetes

§391.41(b)(3)

A person is physically qualified to drive a commercial motor vehicle if that person:

Has no loss of a foot, leg, hand or arm, or has been granted a Skill Performance Evaluation (SPE) Certificate pursuant to Section 391-49.

Limb Impairment:

§391.41(b)(2)

A person is physically qualified to drive a commercial motor vehicle if that person:

Has no impairment of: (i) A hand or finger which interferes with prehension or power grasping; or (ii) An arm, foot, or leg which interferes with the ability to perform normal tasks associated with operating a commercial motor vehicle; or (iii) Any other significant limb defect or limitation which interferes with the ability to perform normal tasks associated with operating a commercial motor vehicle; or (iv) Has been granted a Skill Performance Evaluation (SPE) Certificate pursuant to Section 391-49.

A person who suffers loss of a foot, leg, hand or arm or whose limb impairment in any way interferes with the safe performance of normal tasks associated with operating a commercial motor vehicle is subject to the Skill Performance Evaluation Certification Program pursuant to section

391.49, assuming the person is otherwise qualified. With the advancement of technology, medical aids and equipment modifications have been developed to compensate for certain disabilities. The SPE Certification Program (formerly the Limb Waiver Program) was designed to allow persons with the loss of a foot or limb or with functional impairment to qualify under the Federal Motor Carrier Safety Regulations (FMCSRs) by use of prosthetic devices or equipment modifications which enable them to safely operate a commercial motor vehicle. Since there are no medical aids equivalent to the original body or limb, certain risks are still present, and thus restrictions may be included on individual SPE certificates when a State Director for the FMCSA determines they are necessary to be consistent with safety and public interest.

If the driver is found otherwise medically qualified (391.41(b)(3) through (13)), the medical examiner must check on the medical certificate that the driver is qualified only if accompanied by a SPE certificate. The driver and the employing motor carrier are subject to appropriate penalty if the driver operates a motor vehicle in interstate or foreign commerce without a current SPE certificate for his/her physical disability.

Hypoglycemic drugs, taken orally, are sometimes prescribed for diabetic individuals to help stimulate natural body production of insulin. If the condition can be controlled by the use of oral medication and diet, then an individual may be qualified under the present rule. CMV drivers who do not meet the Federal diabetes standard may call (202) 366-1790 for an application for a diabetes exemption.

(See Conference Report on Diabetic Disorders and Commercial Drivers and Insulin-Using Commercial Motor Vehicle Drivers at: <http://www.fmcsa.dot.gov/rulesregs/mereports.htm>)

Cardiovascular Condition

§391.41(b)(4)

A person is physically qualified to drive a commercial motor vehicle if that person:

Has no current clinical diagnosis of myocardial infarction, angina pectoris, coronary insufficiency, thrombosis or any other cardiovascular disease of a variety known to be accompanied by syncope, dyspnea, collapse or congestive cardiac failure.

The term "has no current clinical diagnosis of" is specifically designed to encompass: "a clinical diagnosis or" (1) a current cardiovascular condition, or (2) a cardiovascular condition which has not fully stabilized regardless of the time limit. The term "known to be

accompanied by" is designed to include a clinical diagnosis of a cardiovascular disease (1) which is accompanied by symptoms of syncope, dyspnea, collapse or congestive cardiac failure; and/or (2) which is likely to cause syncope, dyspnea, collapse or congestive cardiac failure.

If is the intent of the FMCSRs to render unqualified, a driver who has a current cardiovascular disease which is accompanied by and/or likely to cause symptoms of syncope, dyspnea, collapse, or congestive cardiac failure.

However, the subjective decision of whether the nature and severity of an individual's condition will likely cause symptoms of cardiovascular insufficiency is on an individual basis and qualification rests with the medical examiner and the motor carrier. In those cases where there is an occurrence of cardiovascular insufficiency (myocardial infarction, thrombosis, etc.), it is suggested before a driver electrocardiogram (ECG), no residual complications and no physical limitations, and is taking no medication likely to interfere with safe driving.

Coronary artery bypass surgery and pacemaker
implantation are remedial procedures and thus, not disqualifying. Implantable cardioverter defibrillators are disqualifying due to risk of syncope. Coumadin is a medical treatment which can improve the health and safety of the driver and should not, by its use, medically disqualify the commercial driver. The emphasis should be on the underlying medical condition(s) which require treatment and the general health of the driver. The FMCSA should be contacted at (202) 366-1750 for additional recommendations regarding the physical qualification of drivers on coumadin.

(See Cardiovascular Advisory Panel Guidelines for the Medical Examination of Commercial Motor Vehicle Drivers at: <http://www.fmcsa.dot.gov/rulesregs/medreports.htm>)

Respiratory Dysfunction

\$391.41(b)(5)
A person is physically qualified to drive a commercial motor vehicle if that person:

Hypertension
Has no current clinical diagnosis of high blood pressure likely to interfere with ability to operate a commercial motor vehicle if that person:

(See Conference on Pulmonary/Respiratory Disorders and Commercial Drivers at: <http://www.fmcsa.dot.gov/rulesregs/medreports.htm>)

Hypertension
Has no current clinical diagnosis of high blood pressure likely to interfere with ability to operate a commercial motor vehicle if that person:

Hypertension alone is unlikely to cause sudden collapse; however, the likelihood increases when target organ damage, particularly cerebral vascular disease, is present. This regulatory criteria is based on FMCSA's, Cardiovascular Advisory Guidelines for the Examination of CMV Drivers, which used the Sixth Report of the Joint National Committee on Detection, Evaluation, and Treatment of High Blood Pressure (1997).

Stage 1 hypertension corresponds to a systolic BP of 140-159 mmHg and/or a diastolic BP of 90-99 mmHg. The driver with a BP in this range is at low risk for hypertension-related acute incapacitation and may be medically certified to drive for a one-year period.

Certification examinations should be done annually thereafter and should be at or less than 140/90. If less than 160/100, certification may be extended one time for 3 months.

A blood pressure of 160-179 systolic and/or 100-109 diastolic is considered Stage 2 hypertension, and the driver is not necessarily unqualified during evaluation and institution of treatment. The driver is given a one-time certification of three months to reduce his or her blood pressure to less than or equal to 140/90. A blood pressure in this range is an absolute indication for anti-hypertensive drug therapy. Provided treatment is well tolerated and the driver demonstrates a BP value of 140/90 or less, he or she may be certified for one year from date of the initial exam. The driver is certified annually thereafter.

A blood pressure at or greater than 180 (systolic) and 110 (diastolic) is considered Stage 3, high risk for an acute BP-related event. The driver may not be qualified, even temporarily, until reduced to 140/90 or less and treatment is well tolerated. The driver may be certified for 6 months and biannually (every 6 months) thereafter if at recheck BP is 140/90 or less.

Annual recertification is recommended if the medical examiner does not know the severity of hypertension prior to treatment.

An elevated blood pressure finding should be confirmed by at least two subsequent measurements on different days.

Treatment includes nonpharmacologic and pharmacologic modalities as well as counseling to reduce other risk factors. Most antihypertensive medications also have side effects, the importance of which must be judged on an individual basis. Individuals must be alerted to the hazards of these medications while driving. Side effects of somnolence or syncope are particularly undesirable in commercial drivers.

Secondary hypertension is based on the above stages. Evaluation is warranted if patient is persistently hypertensive gives a favorable recommendation.

(See Conference on Pulmonary/Respiratory Disorders and Commercial Drivers at: <http://www.fmcsa.dot.gov/rulesregs/medreports.htm>)

Hypertension
§391.41(b)(6)
A person is physically qualified to drive a commercial motor vehicle if that person:

Hypertension
Has no current clinical diagnosis of high blood pressure likely to interfere with ability to operate a commercial motor vehicle if that person:

Hypertension alone is unlikely to cause sudden collapse; however, the likelihood increases when target organ damage, particularly cerebral vascular disease, is present.

This regulatory criteria is based on FMCSA's, Cardiovascular Advisory Guidelines for the Examination of CMV Drivers, which used the Sixth Report of the Joint National Committee on Detection, Evaluation, and Treatment of High Blood Pressure (1997).

Stage 1 hypertension corresponds to a systolic BP of 140-159 mmHg and/or a diastolic BP of 90-99 mmHg. The driver with a BP in this range is at low risk for hypertension-related acute incapacitation and may be medically certified to drive for a one-year period.

Certification examinations should be done annually thereafter and should be at or less than 140/90. If less than 160/100, certification may be extended one time for 3 months.

A blood pressure of 160-179 systolic and/or 100-109 diastolic is considered Stage 2 hypertension, and the driver is not necessarily unqualified during evaluation and institution of treatment. The driver is given a one-time certification of three months to reduce his or her blood pressure to less than or equal to 140/90. A blood pressure in this range is an absolute indication for anti-hypertensive drug therapy. Provided treatment is well tolerated and the driver demonstrates a BP value of 140/90 or less, he or she may be certified for one year from date of the initial exam.

The driver is certified annually thereafter.

A blood pressure at or greater than 180 (systolic) and 110 (diastolic) is considered Stage 3, high risk for an acute BP-related event. The driver may not be qualified, even temporarily, until reduced to 140/90 or less and treatment is well tolerated. The driver may be certified for 6 months and biannually (every 6 months) thereafter if at recheck BP is 140/90 or less.

Annual recertification is recommended if the medical examiner does not know the severity of hypertension prior to treatment.

An elevated blood pressure finding should be confirmed by at least two subsequent measurements on different days.

Treatment includes nonpharmacologic and pharmacologic modalities as well as counseling to reduce other risk factors. Most antihypertensive medications also have side effects, the importance of which must be judged on an individual basis. Individuals must be alerted to the hazards of these medications while driving. Side effects of somnolence or syncope are particularly undesirable in commercial drivers.

Secondary hypertension is based on the above stages. Evaluation is warranted if patient is persistently hypertensive gives a favorable recommendation.

(See Conference on Neuromuscular Disorders and Commercial Drivers at: <http://www.fmcsa.dot.gov/rulesregs/medreports.htm>)

Rheumatic, Arthritic, Orthopedic, Muscular, Neuromuscular or Vascular Disease §391.41(p)(7)

A person is physically qualified to drive a commercial motor vehicle if that person:

Rheumatic, Arthritic, Orthopedic, Muscular, Neuromuscular or Vascular Disease §391.41(p)(7)

Has no established medical history or clinical diagnosis of rheumatic, arthritic, orthopedic, muscular, neuromuscular or vascular disease which interferes with the ability to control and operate a commercial motor vehicle safely.

Certain diseases are known to have acute episodes of transient muscle weakness, poor muscular coordination, (ataxia), abnormal sensations (paresthesia), decreased muscular tone (hypotonia), visual disturbances and pain which may be suddenly incapacitating. With each recurring episode, these symptoms may become more pronounced and remain for longer periods of time. Other diseases have more insidious onsets and display symptoms of muscle wasting (atrophy), swelling and paresthesia which may not suddenly incapacitate a person but may restrict his/her movements and eventually interfere with the ability to safely operate a motor vehicle. In many instances these diseases are degenerative in nature or may result in deterioration of the involved area.

Once the individual has been diagnosed as having a rheumatic, arthritic, orthopedic, muscular, neuromuscular or vascular disease, then he/she has an established history of that disease. The physician, when examining an individual, should consider the following: (1) the nature and severity of the individual's condition (such as sensory loss or loss of strength); (2) the degree of limitation present (such as range of motion); (3) the likelihood of progressive limitation (not always present initially but may manifest itself over time); and (4) the likelihood of sudden incapacitation. If severe functional impairment exists, the driver does not qualify. In cases where more frequent monitoring is required, a certificate for a shorter period of time may be issued. (See Conference on Neurological Disorders and Commercial Drivers at: <http://www.fmcsa.dot.gov/rulesregs/medreports.htm>)

Epilepsy**§391.41(b)(8)**

A person is physically qualified to drive a commercial motor vehicle if that person:

Has no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control a motor vehicle.

Epilepsy is a chronic functional disease characterized by seizures or episodes that occur without warning, resulting in loss of voluntary control which may lead to loss of consciousness and/or seizures. Therefore, the following drivers cannot be qualified: (1) a driver who has a medical history of epilepsy; (2) a driver who has a current clinical diagnosis of epilepsy; or (3) a driver who is taking antiseizure medication.

If an individual has had a sudden episode of a nonepileptic seizure or loss of consciousness of unknown cause which did not require antiseizure medication, the decision as to whether that person's condition will likely cause loss of consciousness or loss of ability to control a motor vehicle is made on an individual basis by the medical examiner in consultation with the treating physician. Before certification is considered, it is suggested that a 6 month waiting period elapse from the time of the episode. Following the waiting period, if it is suggested that the individual have a complete neurological examination. If the results of the examination are negative and antiseizure medication is not required, then the driver may be qualified.

In those individual cases where a driver has a seizure or an episode of loss of consciousness that resulted from a known medical condition (e.g., drug reaction, high temperature, acute infectious disease, dehydration or acute metabolic disturbance), certification should be deferred until the driver has fully recovered from that condition and has no existing residual complications, and not taking antiseizure medication.

Drivers with a history of epilepsy/seizures off antiseizure medication and seizure-free for 10 years may be qualified to drive a CMV in interstate commerce. Interstate drivers with a history of a single unprovoked seizure may be qualified to drive a CMV in interstate commerce if seizure-free and off antiseizure medication for a 5-year period or more.

(See Conference on Neurological Disorders and Commercial Drivers at: <http://www.fmcsa.dot.gov/rulesregs/mmedreports.htm>)

Mental Disorders**§391.41(b)(9)**

A person is physically qualified to drive a commercial motor vehicle if that person:

Has no mental, nervous, organic or functional disease or psychiatric disorder likely to interfere with ability to drive a motor vehicle safely.

Emotional or adjustment problems constitute directly to an individual's level of memory, reasoning, attention, and judgment. These problems often underlie physical disorders. A variety of functional disorders can cause drowsiness, dizziness, confusion, weakness or paralysis that may lead to incoordination, inattention, loss of functional control and susceptibility to accidents while driving. Physical fatigue, headache, impaired coordination, recurring physical ailments and chronic "trailing" pain may be present to such a degree that certification for commercial driving is inappropriate. Somatic and psychosomatic complaints should be thoroughly examined when determining an individual's overall fitness to drive. Disorders of a periodically incapacitating nature, even in the early stages of development, may warrant disqualification.

Many bus and truck drivers have documented that "nervous trouble" related to neurotic, personality, or emotional or adjustment problems is responsible for a significant fraction of their preventable accidents. The degree to which an individual is able to appreciate, evaluate and adequately respond to environmental strain and emotional stress is critical when assessing an individual's mental alertness and flexibility to cope with the stresses of commercial motor vehicle driving.

When examining the driver, it should be kept in mind that individuals who live under chronic emotional upsets may have deeply ingrained maladaptive or erratic behavior patterns. Excessively antagonistic, instinctive, impulsive, openly aggressive, paranoid or severely depressed behavior greatly interfere with the driver's ability to drive safely. Those individuals who are highly susceptible to frequent states of emotional instability (schizophrenia, affective psychoses, paranoia, anxiety or depressive neuroses) may warrant disqualification. Careful consideration should be given to the side effects and interactions of medications in the overall qualification determination. See Psychiatric Conference Report for specific recommendations on the use of medications and potential hazards for driving.

(See Conference on Psychiatric Disorders and Commercial Drivers at: <http://www.fmcsa.dot.gov/rulesregs/mmedreports.htm>)

Vision**§391.41(b)(10)**

A person is physically qualified to drive a commercial motor vehicle if that person:

Has distant visual acuity of at least 20/40 (Snellen) in each eye with or without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of at least 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision of at least 70 degrees in the horizontal meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing standard red, green, and amber.

The term "ability to recognize the colors of" is interpreted to mean if a person can recognize and distinguish among traffic control signals and devices showing standard red, green and amber, he or she meets the minimum standard, even though he or she may have some type of color perception deficiency. If certain color perception tests are administered, (such as Ishihara, Pseudochromatric, Yarn) and doubtful findings are discovered, a controlled test using signal red, green and amber may be employed to determine the driver's ability to recognize these colors.

Contact lenses are permissible if there is sufficient evidence to indicate that the driver has good tolerance and is well adapted to their use. Use of a contact lens in one eye for distance visual acuity and another lens in the other eye for near vision is not acceptable, nor telescopic lenses acceptable for the driving of commercial motor vehicles.

If an individual meets the criteria by the use of glasses or contact lenses, the following statement shall appear on the Medical Examiner's Certificate: "Qualified only if wearing corrective lenses."

CMV drivers who do not meet the Federal vision standard may call (202) 356-1790 for an application for a vision exemption.

(See Visual Disorders and Commercial Drivers at: <http://www.fmcsa.dot.gov/rulesregs/mmedreports.htm>)

Hearing**§391.41(b)(11)**

A person is physically qualified to drive a commercial motor vehicle if that person:

First perceives a forced whispered voice in the better ear at not less than 5 feet with or without the use of a hearing aid, or, if tested by use of an audiometric device, does not have an average hearing loss in the better ear greater than 40 decibels at 500 Hz, 1,000 Hz, and 2,000 Hz with or without a hearing aid when the audiometric device is calibrated to American National Standard (formerly ADA Standard) Z24.5-1951.

Since the prescribed standard under the FMCSRs is the American Standards Association (ANSI), it may be necessary to convert the audiometric results from the ISO standard to the ANSI standard. Instructions are included on the Medical Examination report form.

If an individual meets the criteria by using a hearing aid, the driver must wear that hearing aid and have it in operation at all times while driving. Also, the driver must be in possession of a spare power source for the hearing aid.

For the whispered voice test, the individual should be stationed at least 5 feet from the examiner with the ear being tested turned toward the examiner. The other ear is covered. Using the breath which remains after a normal expiration, the examiner whispers words or random numbers such as "aa" or "ee" or "mm" or "nn" or "ss" or "uu".

23, etc. The examiner should not use only sibilants (s sounding materials). The opposite ear should be tested in the same manner. If the individual fails the whispered voice test, the audiotmetric test should be administered.

If an individual meets the criteria by the use of a hearing aid, the following statement must appear on the Medical Examiner's Certificate "Qualified only when wearing a hearing aid." (See Hearing Disorders and Commercial Motor Vehicle Drivers at: <http://www.fmcsa.dot.gov/rulestregs/fmedports.htm>)

Drug Use.

§391.41(b)(12)

A person is physically qualified to drive a commercial motor vehicle if that person:

Does not use a controlled substance identified in 21 CFR 130B, II.

Schedule I, an amphetamine, a narcotic, or any other habit-forming drug.

Exception: A driver may use such a substance or drug, if the substance or drug is prescribed by a licensed medical practitioner who is familiar with the driver's medical history and assigned duties; and has advised the driver that the prescribed substance or drug will not adversely affect the driver's ability to safely operate a commercial motor vehicle.

This exception does not apply to methadone. The intent of the medical certification process is to medically evaluate a driver to ensure that the driver has no medical condition which interferes with the safe performance of driving tasks on a public road. If a driver uses a Schedule I drug or other substance, an amphetamine, a narcotic, or any other habit-forming drug, it may be cause for the driver to be found medically unqualified.

Motor carriers are encouraged to obtain a practitioner's written statement about the effects on transportation safety of the use of a particular drug. A test for controlled substances is not required as part of this biennial testing under Part 382 of the FMCSRs. Motor carriers are encouraged to contact directly for information on controlled substances and alcohol testing under Part 382 of the FMCSRs.

The term "uses" is designed to encompass instances of prohibited drug use determined by a physician through established medical means. This may or may not involve body fluid testing. If body fluid testing takes place, positive test results should be confirmed by a second test of greater specificity. The term "habit-forming" is intended to include any drug or medication generally recognized as capable of becoming habitual, and which may impair the user's ability to operate a commercial motor vehicle safely.

The driver is medically unqualified for the duration of the prohibited drug(s) use and until a second examination shows the driver is free from the prohibited drug(s) use. Recertification may involve a substance abuse evaluation, the successful completion of a drug rehabilitation program, and a negative drug test result. Additionally, given that the certification period is normally two years, the examiner has the option to certify for a period of less than 2 years if this examiner determines more frequent monitoring is required.

(See Conference on Neurological Disorders and Commercial Drivers and Conference on Psychiatric Disorders and Commercial Drivers at: <http://www.fmcsa.dot.gov/rulesregs/fmedreports.htm>)

Alcoholism

§391.41(b)(13)

A person is physically qualified to drive a commercial motor vehicle if that person:

Has no current clinical diagnosis of alcoholism.

The term "current clinical diagnosis of" is specifically designed to encompass a current alcoholic illness or those instances where the individual's physical condition has not fully stabilized, regardless of the times of having an alcohol-use

EXHIBIT 20

DEFENDANT'S
DEPOSITION
EXHIBIT
BDTS - 15

MEDICAL EXAMINER'S CERTIFICATE

I certify that I have examined Fyjat K. Kennedy and with knowledge of the driving duties, I find this person is qualified, and, if applicable, only when:

wearing corrective lenses
 wearing hearing aid
 accompanied by a _____

driving within an exempt intracity zone (49 CFR 391.62)
 accompanied by a Skill Performance Evaluation Certificate (SPE)
 qualified by operation of 49 CFR 391.64

The information I have provided regarding this physical examination is true and complete. A complete examination form with any attachment embodies my findings completely and correctly, and is on file in my office.

SIGNATURE OF MEDICAL EXAMINER <i>Kyi Win Yu</i>	TELEPHONE 718.945-6500	DATE 07/30/2015
MEDICAL EXAMINER'S NAME (PRINT) <i>Kyi Win Yu</i>	<input checked="" type="checkbox"/> EMD <input type="checkbox"/> DO <input type="checkbox"/> Physician Assistant <input type="checkbox"/> Chiropractor <input type="checkbox"/> Advanced Practice Nurse <input type="checkbox"/> Other Practitioner	
MEDICAL EXAMINER'S LICENSE OR CERTIFICATE NO./ISSUING STATE 204315-NY	NATIONAL REGISTRY NO. <u>3201572490</u> <small>Kyi Win Yu, MD NPI 1427095688 DEA BY 5063810 LIC 204315</small>	
SIGNATURE OF DRIVER <i>Kyi Win Yu</i>	INTRASTATE ONLY <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	CDL <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
ADDRESS OF DRIVER 330 Beach Street Rockaway Beach NY 11693	DRIVER'S LICENSE NO./STATE 67516517 NY	
MEDICAL CERTIFICATION EXPIRATION DATE	07/30/2017	

**Medical Examination Report
FOR COMMERCIAL DRIVER FITNESS DETERMINATION**

649-F (6045)

PLA28

1. DRIVER'S INFORMATION

Driver completes this section

Driver's Name (Last, First, Middle)	Social Security No.	Birthdate	Age	Sex	New Certification	Date of Exam
Frank, Kenneth	15P-6P-12P	09/25/1969	47	<input checked="" type="checkbox"/> M <input type="checkbox"/> F	<input type="checkbox"/> Recertification <input checked="" type="checkbox"/> Follow-up	07/30/2011
Address	City, State, Zip Code	Work Tel: ()	Driver License No.	License Class	State of Issue	
330 Beach 90th	Rockaway Beach	Home Tel: 914-593-5735	67-516-5117	<input type="checkbox"/> A <input type="checkbox"/> B <input checked="" type="checkbox"/> C <input type="checkbox"/> D <input type="checkbox"/> Other	NY	

2. HEALTH HISTORY

Driver completes this section, but medical examiner is encouraged to discuss with driver.

Yes No

- Any illness or injury in the last 5 years?
- Head/Brain injuries, disorders or illnesses
- Seizures, epilepsy
- Medication _____
- Eye disorders or impaired vision (except corrective lenses)
- Ear disorders, loss of hearing or balance
- Heart disease or heart attack; other cardiovascular condition
- Medication _____
- Heart surgery (valve replacement/bypass, angioplasty, pacemaker)
- High blood pressure Medication _____
- Muscular disease
- Shortness of breath

Yes No

- Lung disease, emphysema, asthma, chronic bronchitis
- Kidney disease, dialysis
- Liver disease
- Diabetes or elevated blood sugar controlled by:
 - Diet
 - Pills
 - Insulin
- Nervous or psychiatric disorders, e.g., severe depression
- Medication _____
- Loss of, or altered consciousness

Yes No

- Fainting, dizziness
- Sleep disorders, pauses in breathing while asleep, daytime sleepiness, loud snoring
- Missing or impaired hand, arm, foot, leg, finger, toe
- Spinal injury or disease
- Chronic low back pain
- Regular, frequent alcohol use
- Narcotic or habit forming drug use

For any YES answer, indicate onset date, diagnosis, treating physician's name and address, and any current limitation. List all medications (including over-the-counter medications) used regularly or recently.

I certify that the above information is complete and true. I understand that inaccurate, false or missing information may invalidate the examination and my Medical Examiner's Certificate.

Driver's Signature K. H. Frank Date 7/30/11

Medical Examiner's Comments on Health History (The medical examiner must review and discuss with the driver any "yes" answers and potential hazards of medications, including over-the-counter medications, while driving. This discussion must be documented below.)

TESTING (Medical Examiner completes Section 3 through 7) Name: Last, Smith, First, Kenneth Middle, _____**3. VISION**

Standard: At least 20/40 acuity (Snellen) in each eye with or without correction. At least 70 degrees peripheral in horizontal meridian measured in each eye. The use of corrective lenses should be noted on the Medical Examiner's Certificate.

INSTRUCTIONS: When other than the Snellen chart is used, give test results in Snellen-comparable values. In recording distance vision, use 20 feet as denominator. If the applicant wears corrective lenses, these should be worn while visual acuity is being tested. If the driver habitually wears contact lenses, or intends to do so while driving, sufficient evidence of good tolerance and adaptation to their use must be obvious. **Monocular drivers are not qualified.**

Numerical readings must be provided.

ACUITY	UNCORRECTED	CORRECTED	HORIZONTAL FIELD OF VISION
Right Eye	20/	20/20	Right Eye 90
Left Eye	20/	20/20	Left Eye 90
Both Eyes	20/	20/20	180

Complete next line only if vision testing is done by an ophthalmologist or optometrist

Date of Examination _____ Name of Ophthalmologist or Optometrist (print) _____ Tel. No. _____ License No./State of Issue _____ Signature _____

4. HEARING

Standard: a) Must first perceive forced whispered voice \geq 5 ft. with or without hearing aid, or b) average hearing loss in better ear \leq 40 dB

Check if hearing aid used for tests. Check if hearing aid required to meet standard.

INSTRUCTIONS: To convert audiometric test results from ISO to ANSI, -14 dB from ISO for 500Hz, -10dB for 1,000 Hz, -8.5 dB for 2000 Hz. To average, add the readings for 3 frequencies tested and divide by 3.

Numerical readings must be recorded.

a) Record distance from individual at which forced whispered voice can first be heard.	Right ear \\ Feet	Left Ear \\ Feet
--	----------------------	---------------------

b) If audiometer is used, record hearing loss in decibels. (acc. to ANSI Z24.5-1951)	Right Ear			Left Ear		
	500 Hz	1000 Hz	2000 Hz	500 Hz	1000 Hz	2000 Hz
Average:				Average:		

5. BLOOD PRESSURE/ PULSE RATE Numerical readings must be recorded. Medical Examiner should take at least two readings to confirm BP.

Reading	Category	Expiration Date	Recertification
140-159/90-99	Stage 1	1 year	1 year if \leq 140/90. One-time certificate for 3 months if 141-159/91-99.
160-179/100-109	Stage 2	One-time certificate for 3 months.	1 year from date of exam if \leq 140/90
\geq 180/110	Stage 3	6 months from date of exam if \leq 140/90	6 months if \leq 140/90

6. LABORATORY AND OTHER TEST FINDINGS

Numerical readings must be recorded.

Urinalysis is required. Protein, blood or sugar in the urine may be an indication for further testing to

rule out any underlying medical problem.

Other Testing (Describe and record)

URINE SPECIMEN	SP. GR.	PROTEIN	BLOOD	SUGAR
/	—	—	—	—

Applicant can recognize and distinguish among traffic control signals and devices showing standard red, green, and amber colors? Yes No

Applicant meets visual acuity requirement only when wearing: Corrective Lenses Monocular Vision: Yes No

7. PHYSICAL EXAMINATIONHeight: 70 (in.) Weight: 320 (lbs.)Name: Last, Kenneth First, Middle,

The presence of a certain condition may not necessarily disqualify a driver, particularly if the condition is controlled adequately, is not likely to worsen or is readily amenable to treatment. Even if a condition does not disqualify a driver, the medical examiner may consider deferring the driver temporarily. Also, the driver should be advised to take the necessary steps to correct the condition as soon as possible particularly if the condition, if neglected, could result in more serious illness that might affect driving.

Check YES if there are any abnormalities. Check NO if the body system is normal. Discuss any YES answers in detail in the space below, and indicate whether it would affect the driver's ability to operate a commercial motor vehicle safely. Enter applicable item number before each comment. If organic disease is present, note that it has been compensated for.

See Instructions to the Medical Examiner for guidance.

BODY SYSTEM	CHECK FOR:	YES*	NO	BODY SYSTEM	CHECK FOR:	YES*	NO
1. General Appearance	Marked overweight, tremor, signs of alcoholism, problem drinking, or drug abuse.	✓	—	7. Abdomen and Viscera	Enlarged liver, enlarged spleen, masses, bruises, hernia, significant abdominal wall muscle weakness.	✓	—
2. Eyes	Pupillary equality, reaction to light, accommodation, ocular motility, ocular muscle imbalance, extraocular movement, nystagmus, exophthalmos. Ask about retinopathy, cataracts, aphakia, glaucoma, macular degeneration and refer to a specialist if appropriate.	✓	—	8. Vascular System	Abnormal pulse and amplitude, carotid or arterial bruits, varicose veins.	—	—
3. Ears	Scarring of tympanic membrane, occlusion of external canal, perforated eardrums.	—	—	9. Genito-urinary System	Hemias.	—	—
4. Mouth and Throat	Inremovable deformities likely to interfere with breathing or swallowing.	✓	—	10. Extremities- Limb Impaired. Driver may be subject to SPE certificate if otherwise qualified.	Loss or impairment of leg, foot, toe, arm, hand, finger, perceptible limp, deformities, atrophy, weakness, paralysis, clubbing, edema, hypotonia. Insufficient grasp and prehension in upper limb to maintain steering wheel grip. Insufficient mobility and strength in lower limb to operate pedals properly.	—	—
5. Heart	Murmurs, extra sounds, enlarged heart, pacemaker, implantable defibrillator.	✓	—	11. Spine, other musculoskeletal	Previous surgery, deformities, limitation of motion, tenderness.	—	—
6. Lungs and chest, not including breast	Abnormal chest wall expansion, abnormal respiratory rate, abnormal breath sounds including wheezes or alveolar rales, impaired respiratory function, cyanosis. Abnormal findings on physical exam may require further testing such as pulmonary tests and/or x-ray of chest.	✓	—	12. Neurological	Impaired equilibrium, coordination or speech pattern, asymmetric deep tendon reflexes, sensory or positional abnormalities, abnormal patellar and Babinski's reflexes, ataxia.	✓	—

*COMMENTS:

Note certification status here. See Instructions to the Medical Examiner for guidance.

Meets standards in 49 CFR 391.41; qualifies for 2 year certificate
 Does not meet standards
 Meets standards, but periodic monitoring required due to _____
 Driver qualified only for: 3 months 6 months 1 year Other

Temporarily disqualified due to (condition or medication): _____

Return to medical examiner's office for follow up on _____

If meets standards, complete a Medical Examiner's Certificate as stated in 49 CFR 391.43(h). (Driver must carry certificate when operating a commercial vehicle.)

Medical Examiner's signature KYI WEN YU, MD
 Dr. Yu Family Practice
 Wearing hearing aid
 Accompanied by a W. G. Yu & Son, PC Rockaway Beach NY 11693 present
 Skill Performance Evaluation (SPE) Certificate # 710-945-6500
 Driving within an exempt Infracty zone (SPE#9 DR 391.5208)
 Qualified by operation of 49 CFR 391.64

Medical Examiner's name KYI WEN YU, MD
 Address NPI#1427086614
 Telephone Number DEA BY 6083910
HIC#204315
NRGME#5001512490

49 CFR 391.41 Physical Qualifications for Drivers

THE DRIVER'S ROLE

Responsibilities, work schedules, physical and emotional demands, and lifestyles among commercial drivers vary by the type of driving that they do. Some of the main types of drivers include the following: turn around or short relay (drivers return to their home base each evening); long relay (drivers drive 9-11 hours and then have at least a 10-hour off-duty period); straight through haul (cross country drivers); and team drivers (drivers share the driving by alternating their 5-hour driving periods and 5-hour rest periods.)

The following factors may be involved in a driver's performance of duties: abrupt schedule changes and rotating work schedules, which may result in irregular sleep patterns and a driver beginning a trip in a fatigued condition; long hours; extended time away from family and friends, which may result in lack of social support; tight pickup and delivery schedules, with irregularity in work, rest, and eating patterns; adverse road, weather and traffic conditions, which may cause delays and lead to hurriedly loading or unloading cargo in order to compensate for the lost time; and environmental conditions such as excessive vibration, noise, and extremes in temperature. Transporting passengers or hazardous materials may add to the demands on the commercial driver.

There may be duties in addition to the driving task for which a driver is responsible and needs to be fit. Some of these responsibilities are: coupling and uncoupling trailer(s) from the tractor, loading and unloading trailer(s) (sometimes a driver may lift a heavy load or unload as much as 50,000 lbs. of freight after sitting for a long period of time without any stretching period); inspecting the operating condition of tractor and/or trailer(s) before, during and after delivery of cargo; lifting, installing, and removing heavy tire chains; and, lifting heavy tarpaulins to cover open top trailers. The above tasks demand agility, the ability to bend and stoop, the ability to maintain a crouching position to inspect the underside of the vehicle, frequent entering and exiting of the cab, and the ability to climb ladders on the tractor and/or trailer(s).

In addition, a driver must have the perceptual skills to monitor a sometimes complex driving situation, the judgment skills to make quick decisions, when necessary, and the manipulative skills to control an oversize steering wheel, shift gears using a manual transmission, and maneuver a vehicle in crowded areas.

§391.41 PHYSICAL QUALIFICATIONS FOR DRIVERS

- (a) A person shall not drive a commercial motor vehicle unless he is physically qualified to do so and, except as provided in §391.67, has on his person the original, or a photographic copy, of a medical examiner's certificate that he is physically qualified to drive a commercial motor vehicle.
- (b) A person is physically qualified to drive a motor vehicle if that person:
 - (1) Has no loss of a foot, a leg, a hand, or an arm, or has been granted a Skill Performance Evaluation (SPE) Certificate (formerly Limb Wavever Program) pursuant to §391.49.
 - (2) Has no impairment of: (i) A hand or finger which interferes with prehension or power grasping; or (ii) An arm, foot, or leg which interferes with the ability to perform normal tasks associated with operating a commercial motor vehicle; or any other significant limb defect or limitation which interferes with the ability to perform normal tasks associated with operating a commercial motor vehicle; or has been granted a SPE Certificate pursuant to §391.49.
 - (3) Has no established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control;
 - (4) Has no current clinical diagnosis of myocardial infarction, angina pectoris, coronary insufficiency, thrombosis, or any other cardiovascular disease of a variety known to be accompanied by syncope, dyspnea, collapse, or congestive cardiac failure.
 - (5) Has no established medical history or clinical diagnosis
- of a respiratory dysfunction likely to interfere with his ability to control and drive a commercial motor vehicle safely.
- (6) Has no current clinical diagnosis of high blood pressure likely to interfere with his ability to operate a commercial motor vehicle safely.
- (7) Has no established medical history or clinical diagnosis of rheumatic, arthritic, orthopedic, muscular, neuromuscular, or vascular disease which interferes with his ability to control and operate a commercial motor vehicle safely.
- (8) Has no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control a commercial motor vehicle;
- (9) Has no mental, nervous, organic, or functional disease or psychiatric disorder likely to interfere with his ability to drive a commercial motor vehicle safely;
- (10) Has distant visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of at least 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision of at least 70 degrees in the horizontal meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing standard red, green and amber;
- (11) First perceives a forced whispered voice in the better ear not less than 5 feet with or without the use of a hearing aid, or, if tested by use of an audiometric device, does not

INSTRUCTIONS TO THE MEDICAL EXAMINER

Federal Motor Carrier Safety Regulations -Advisory Criteria-

General Information
 The purpose of this examination is to determine a driver's physical qualification to operate a commercial motor vehicle (CMV) in interstate commerce according to the requirements in 49 CFR 391.41-49. Therefore, the medical examiner must be knowledgeable of these requirements and guidelines developed by the FMCSA to assist the medical examiner in making the qualification determination. The medical examiner should be familiar with the driver's responsibilities and work environment and is referred to the section on the form, **The Driver's Role**.

In addition to reviewing the **Health History** section with the driver and conducting the physical examination, the medical examiner should discuss common prescriptions and over-the-counter medications relative to the side effects and hazards of these medications while driving. Educate the driver to read warning labels on all medications. History of certain conditions may be cause for rejection, particularly if required by regulation, or may indicate the need for additional laboratory tests or more stringent examination perhaps by a medical specialist. These decisions are usually made by the medical examiner in light of the driver's job responsibilities, work schedule and potential for the conditions to render the driver unsafe.

Medical conditions should be recorded even if they are not cause for denial, and they should be discussed with the driver to encourage appropriate remedial care. This advice is especially needed when a condition, if neglected, could develop into a serious illness that could affect driving.

If the medical examiner determines that the driver is fit to drive and is also able to perform non-driving responsibilities as may be required, the medical examiner signs the medical certificate which the driver must carry with his/her license. The certificate must be dated. Under current regulations, the certificate is valid for two years, unless the driver has a medical condition that does not prohibit driving but does require more frequent monitoring. In such situations, the medical certificate should be issued for a shorter length of time. The physical examination should be done carefully and at least as complete as is indicated by the attached form. Contact the FMCSA at (202) 366-4001 for further information (a vision exemption, qualifying drivers under 49 CFR 391.64, etc.).

Interpretation of Medical Standards
 Since the issuance of the regulations for physical qualifications of commercial drivers, the Federal Motor Carrier Safety Administration (FMCSA) has published recommendations called **Advisory Criteria** to help medical examiners in determining whether a driver meets the physical qualifications for commercial driving. These recommendations have been condensed to provide information to medical examiners that (1) is directly relevant to the physical examination and (2) is not already included in the medical examination form. The specific regulation is printed in *italics* and its reference by section is highlighted.

Loss of Limb:

§391.41(b)(1)

A person is physically qualified to drive a commercial motor vehicle if that person:

Has no loss of a foot, leg, hand or arm, or has been granted a Skill Performance Evaluation (SPE) Certificate pursuant to Section 391.48.

Limb Impairment:

§391.41(b)(2)

A person is physically qualified to drive a commercial motor vehicle if that person:

Has no impairment of: (i) A hand or finger which interferes with prehension or power grasping; or (ii) An arm, foot, or leg which interferes with the ability to perform normal tasks associated with operating a commercial motor vehicle; or (iii) Any other significant limb defect or limitation which interferes with the ability to perform normal tasks associated with operating a commercial motor vehicle; or (iv) Has been granted a Skill Performance Evaluation (SPE) Certificate pursuant to Section 391.48.

Diabetes:

§391.41(b)(3)

A person is physically qualified to drive a commercial motor vehicle if that person:

Has no established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control.

Diabetes mellitus is a disease which, on occasion, can result in a loss of consciousness or disorientation in time and space. Individuals who require insulin for control have conditions which can get out of control by the use of too much or too little insulin, or food intake not consistent with the insulin dosage. Incapacitation may occur from symptoms of hypoglycemic or hyperglycemic reactions (drowsiness, semiconsciousness, diabetic coma or insulin shock).

The administration of insulin is, within itself, a complicated process requiring insulin, syringe, needle, alcohol sponge and a sterile technique. Factors related to long-haul commercial motor vehicle operations, such as fatigue, lack of sleep, poor diet, emotional conditions, stress, and concomitant illness, compound the dangers.

The FMCSA has consistently held that a diabetic who uses insulin for control does not meet the minimum physical requirements of the FMCSRs.

Hypoglycemic drugs, taken orally, are sometimes prescribed for diabetic individuals to help stimulate natural body production of insulin. If the condition can be controlled by the use of oral medication and diet, then an individual may be qualified under the present rule. CMV drivers who do not meet the Federal diabetes standard may call (703) 448-3054 for an application for a diabetes exemption.

(See Conference Report on Diabetic Disorders and Commercial Drivers and Insulin-Using Commercial Motor Vehicle Drivers at:

<http://www.fmcsa.dot.gov/rulesregs/fmcsareports.htm>

Cardiovascular Condition:

§391.41(b)(4)

A person is physically qualified to drive a commercial motor vehicle if that person:

Has no current clinical diagnosis of myocardial infarction, angina pectoris, coronary insufficiency, thrombosis or any other cardiovascular disease of a variety known to be accompanied by syncope, dyspnea, collapse or congestive cardiac failure.

The term "has no current clinical diagnosis of" is specifically designed to encompass: a *clinical diagnosis* or (1) a current cardiovascular condition, or (2) a cardiovascular condition which has not fully stabilized

regardless of the time limit. The term "known to be

accompañado por" is designed to include a clinical diagnosis of a cardiovascular disease (1) which is accompanied by symptoms of syncope, dyspnea, collapse or congestive cardiac failure; and/or (2) which is likely to cause syncope, dyspnea, collapse, or congestive cardiac failure.

It is the intent of the FMCSRs to render unqualified, a driver who has a current cardiovascular disease which is accompanied by and/or likely to cause symptoms of syncope, dyspnea, collapse, or congestive cardiac failure.

However, the subjective decision of whether the nature and severity of an individual's condition will likely cause symptoms of cardiovascular insufficiency is on an individual basis and qualification rests with the medical examiner and the motor carrier. In those cases where there is an occurrence of cardiovascular insufficiency (myocardial infarction, thrombosis, etc.), it is suggested before a driver is certified that he or she have a normal resting and stress electrocardiogram (ECG), no residual complications and no physical limitations, and is taking no medication likely to interfere with safe driving.

Coronary artery bypass surgery and pacemaker implantation are remedial procedures and thus, not disqualifying. Implantable cardioverter defibrillators are disqualifying due to risk of syncope. Coumadin is a medical treatment which can improve the health and safety of the driver and should not, by its use, medically disqualify the commercial driver. The emphasis should be on the underlying medical condition(s) which require treatment and the general health of the driver. The FMCSA should be contacted at (202) 366-4001 for additional recommendations regarding the physical qualification of drivers on coumadin.

(See Cardiovascular Advisory Panel Guidelines for the Medical examination of Commercial Motor Vehicle Drivers at: <http://www.fmcsa.dot.gov/rulesregs/medreports.htm>)

Respiratory Dysfunction

A person is physically qualified to drive a commercial motor vehicle if that person:

Has no established medical history or clinical diagnosis of a respiratory dysfunction likely to interfere with ability to control and drive a commercial motor vehicle safely.

Since a driver must be alert at all times, any change in his or her mental state is in direct conflict with highway safety. Even the slightest impairment in respiratory function under emergency conditions (when greater oxygen supply is necessary for performance) may be detrimental to safe driving.

There are many conditions that interfere with oxygen exchange and may result in incapacitation, including emphysema, chronic asthma, sarcoidosis, chronic bronchitis and sleep apnea. If the medical examiner detects a respiratory dysfunction, that in any way is likely to interfere with the driver's ability to safely control and drive a commercial motor vehicle, the driver must be referred to a specialist for further evaluation and therapy. Anticoagulation therapy for deep vein thrombosis and/or pulmonary thromboembolism is not unqualifying once optimum dose is achieved, provided lower extremity venous examinations remain normal and the treating physician gives a favorable recommendation.

(See Conference on Pulmonary/Respiratory Disorders and Commercial Drivers at: <http://www.fmcsa.dot.gov/rulesregs/medreports.htm>)

Hypertension

§391.41(b)(6)

A person is physically qualified to drive a commercial motor vehicle if that person:

Has no current clinical diagnosis of high blood pressure likely to interfere with ability to operate a commercial motor vehicle safely.

Hypertension alone is unlikely to cause sudden collapse; however, the likelihood increases when target organ damage, particularly cerebral vascular disease, is present. This regulatory criteria is based on FMCSA's Cardiovascular Advisory Guidelines for the Examination of CMV Drivers, which used the Sixth Report of the Joint National Committee on Detection, Evaluation, and Treatment of High Blood Pressure (1997).

Stage 1 hypertension corresponds to a systolic BP of 140-159 mmHg and/or a diastolic BP of 90-99 mmHg. The driver with a BP in this range is at low risk for hypertension-related acute incapacitation and may be medically certified to drive for a one-year period. Certification examinations should be done annually thereafter and should be at or less than 140/90. If less than 160/100, certification may be extended one time for 3 months.

A blood pressure of 160-179 systolic and/or 100-109 diastolic is considered Stage 2 hypertension, and the driver is not necessarily unqualified during evaluation and institution of treatment. The driver is given a one time certification of three months to reduce his or her blood pressure to less than or equal to 140/90. A blood pressure in this range is an absolute indication for anti-hypertensive drug therapy. Provided treatment is well tolerated and the driver demonstrates a BP value of 140/90 or less, he or she may be certified for one year from date of the initial exam. The driver is certified annually thereafter.

A blood pressure at or greater than 180 (systolic) and 110 (diastolic) is considered Stage 3, high risk for an acute BP-related event. The driver may not be qualified, even temporarily, until reduced to 140/90 or less and treatment is well tolerated. The driver may be certified for 6 months and biannually (every 6 months) thereafter if at recheck BP is 140/90 or less.

Annual recertification is recommended if the medical examiner does not know the severity of hypertension prior to treatment.

An elevated blood pressure finding should be confirmed by at least two subsequent measurements on different days. Treatment includes nonpharmacologic and pharmacologic modalities as well as counseling to reduce other risk factors. Most antihypertensive medications also have side effects, the importance of which must be judged on an individual basis. Individuals must be alerted to the hazards of these medications while driving. Side effects of somnolence or syncope are particularly undesirable in commercial drivers.

Secondary hypertension is based on the above stages. Evaluation is warranted if patient is persistently hypertensive.

on maximal or near-maximal doses of 2-3 pharmacologic agents. Some causes of secondary hypertension may be amenable to surgical intervention or specific pharmacologic disease.

(See Cardiovascular Advisory Panel Guidelines for the Medical Examination of Commercial Motor Vehicle Drivers at: <http://www.fmcsa.dot.gov/rulesregs/medreports.htm>)

Rheumatic, Arthritic, Orthopedic, Muscular, Neuromuscular, Arthritis, Orthopedic, Muscular, Neuromuscular or Vascular Disease §391.41(b)(7)

A person is physically qualified to drive a commercial motor vehicle if that person:

Has no established medical history or clinical diagnosis of rheumatic, arthritic, orthopedic, muscular, neuromuscular or vascular disease which interferes with the ability to control and operate a commercial motor vehicle safely.

Certain diseases are known to have acute episodes of transient muscle weakness, poor muscular coordination (ataxia), abnormal sensations (paresthesia), decreased muscular tone (hypotonia), visual disturbances and pain which may be suddenly incapacitating. With each recurring episode, these symptoms may become more pronounced and remain for longer periods of time. Other diseases have more insidious onsets and display symptoms of muscle wasting (atrophy), swelling and paresthesia which may not suddenly incapacitate a person but may restrict further movements and eventually interfere with the ability to safely operate a motor vehicle. In many instances these diseases are degenerative in nature or may result in deterioration of the involved area.

Once the individual has been diagnosed as having a rheumatic, arthritic, orthopedic, muscular, neuromuscular or vascular disease, then he/she has an established history of that disease. The physician, when examining an individual, should consider the following: (1) the nature and severity of the individual's condition (such as sensory loss or loss of strength); (2) the degree of limitation present (such as range of motion); (3) the likelihood of progressive limitation (not always present initially but may manifest itself over time); and (4) the likelihood of sudden incapacitation. If severe functional impairment exists, the driver does not qualify. In cases where more frequent monitoring is required, a certificate for a shorter period of time may be issued. (See Conference on Neurological Disorders and Commercial Drivers at: <http://www.fmcsa.dot.gov/rulesregs/medreports.htm>)

Epilepsy**§391.41(b)(8)**

A person is physically qualified to drive a commercial motor vehicle if that person:

- Has no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control a motor vehicle.*

Epilepsy is a chronic functional disease characterized by seizures or episodes that occur without warning, resulting in loss of voluntary control which may lead to loss of consciousness and/or seizures. Therefore, the following drivers cannot be qualified: (1) a driver who has a medical history of epilepsy; (2) a driver who has a current clinical diagnosis of epilepsy; or (3) a driver who is taking antiseizure medication.

If an individual has had a sudden episode of a nonepileptic seizure or loss of consciousness of unknown cause which did not require antiseizure medication, the decision as to whether that person's condition will likely cause loss of consciousness or loss of ability to control a motor vehicle is made on an individual basis by the medical examiner in consultation with the treating physician. Before certification is considered, it is suggested that a 6 month waiting period elapse from the time of the episode. Following the waiting period, it is suggested that the individual have a complete neurological examination. If the results of the examination are negative and antiseizure medication is not required, then the driver may be qualified.

In those individual cases where a driver has a seizure or an episode of loss of consciousness that resulted from a known medical condition (e.g., drug reaction, high temperature, acute infectious disease, dehydration or acute metabolic disturbance), certification should be deferred until the driver has fully recovered from that condition and has no existing residual complications, and not taking antiseizure medication.

Drivers with a history of epilepsy/seizures off antiseizure medication and seizure-free for 10 years may be qualified to drive a CMV in interstate commerce. Interstate drivers with a history of a single unprovoked seizure may be qualified to drive a CMV in interstate commerce if seizure-free and off antiseizure medication for a 5-year period or more.

(See Conference on Neurological Disorders and Commercial Drivers at: <http://www.fmcsa.dot.gov/rulesregs/mreports.htm>)

Mental Disorders**§391.41(b)(9)**

A person is physically qualified to drive a commercial motor vehicle if that person:

- Has no mental, nervous, organic or functional disease or psychiatric disorder likely to interfere with ability to drive a motor vehicle safely.*

Emotional or adjustment problems contribute directly to an individual's level of memory, reasoning, attention, and judgment. These problems often underlie physical disorders. A variety of functional disorders can cause drowsiness, dizziness, confusion, weakness or paralysis that may lead to incoordination, inattention, loss of functional control and susceptibility to accidents while driving. Physical fatigue, headache, impaired coordination, recurring physical ailments and chronic "nagging" pain may be present to such a degree that certification for commercial driving is inadvisable. Somatic and psychosomatic complaints should be thoroughly examined when determining an individual's overall fitness to drive.

Disorders of a periodically incapacitating nature, even in the early stages of development, may warrant disqualification. Many bus and truck drivers have documented that "nervous trouble" related to neurotic, personality, or emotional or adjustment problems is responsible for a significant fraction of their preventable accidents. The degree to which an individual is able to appreciate, evaluate and adequately respond to environmental strain and emotional stress is critical when assessing an individual's mental alertness and flexibility to cope with the stresses of commercial motor vehicle driving.

When examining the driver, it should be kept in mind that individuals who live under chronic emotional upsets may have deeply ingrained maladaptive or erratic behavior patterns.

Excessively antagonistic, instinctive, impulsive, openly aggressive, paranoid, or severely depressed behavior greatly interfere with the driver's ability to drive safely. Those individuals who are highly susceptible to frequent states of emotional instability (schizophrenia, affective psychoses, paranoia, anxiety or depressive neuroses) may warrant disqualification. Careful consideration should be given to the side effects and interactions of medications in the overall qualification determination. See Psychiatric Conference Report for specific recommendations on the use of medications and potential hazards for driving.

(See Conference on Psychiatric Disorders and Commercial Drivers at: <http://www.fmcsa.dot.gov/rulesregs/mreports.htm>)

Vision**§391.41(b)(10)**

A person is physically qualified to drive a commercial motor vehicle if that person:

- Has distant visual acuity of at least 20/40 (Snellen) in each eye with or without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of at least 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision of at least 70 degrees in the horizontal meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing standard red, green, and amber.*

The term "ability to recognize the colors of" is interpreted to mean if a person can recognize and distinguish among traffic control signals and devices showing standard red, green and amber, he or she meets the minimum standard, even though he or she may have some type of color perception deficiency. If certain color perception tests are administered, (such as Ishihara, Pseudoisochromatic, Yarn) and doubtful findings are discovered, a controlled test using signal red, green and amber may be employed to determine the driver's ability to recognize these colors.

Contact lenses are permissible if there is sufficient evidence to indicate that the driver has good tolerance and is well adapted to their use. Use of a contact lens in one eye for distance visual acuity and another lens in the other eye for near vision is not acceptable, nor telescopic lenses acceptable for the driving of commercial motor vehicles.

If an individual meets the criteria by the use of glasses or contact lenses, the following statement shall appear on the Medical Examiner's Certificate: "Qualified only if wearing corrective lenses."

CMV drivers who do not meet the Federal vision standard may call (703) 448-3094 for an application for a vision exemption.

(See Visual Disorders and Commercial Drivers at: <http://www.fmcsa.dot.gov/rulesregs/mreports.htm>)

Hearing**§391.41(b)(11)**

A person is physically qualified to drive a commercial motor vehicle if that person:

First perceives a forced whispered voice in the better ear at not less than 5 feet with or without the use of a hearing aid; or, if tested by use of an audiometric device, does not have an average hearing loss in the better ear greater than 40 decibels at 500 Hz, 1,000 Hz, and 2,000 Hz with or without a hearing aid when the audiometric device is calibrated to American National Standard (formerly ADA Standard) Z224.5-1951.

Since the prescribed standard under the FMCSRs is the American Standards Association (ANSI), it may be necessary to convert the audiometric results from the ISO standard to the ANSI standard. Instructions are included on the Medical Examination report form.

If an individual meets the criteria by using a hearing aid, the driver must wear that hearing aid and have it in operation at all times while driving. Also, the driver must be in possession of a spare power source for the hearing aid.

For the whispered voice test, the individual should be staffed at least 5 feet from the examiner with the ear being tested turned toward the examiner. The other ear is covered. Using the breath which remains after a normal expiration, the examiner whispers words or random numbers such as 66, 18,

23, etc. The examiner should not use only sibilants (s sounding materials). The opposite ear should be tested in the same manner. If the individual fails the whispered voice test, the audiometric test should be administered.

If an individual meets the criteria by the use of a hearing aid, the following statement must appear on the Medical Examiner's Certificate "Qualified only when wearing a hearing aid." (See Hearing Disorders and Commercial Motor Vehicle Drivers at:

<http://www.fmcsa.dot.gov/rulesregs/medreports.htm>)

Drug Use §391.41(b)(12)

A person is physically qualified to drive a commercial motor vehicle if that person does not use any drug or substance identified in 21 CFR 1308.11, an amphetamine, a narcotic, or other habit-forming drug. A driver may use a non-Schedule I drug or substance that is identified in the other Schedules in 21 part 1308 if the substance or drug is prescribed by a licensed medical practitioner who: (A) is familiar with the driver's medical history, and assigned duties; and (B) has advised the driver that the prescribed substance or drug will not adversely affect the driver's ability to safely operate a commercial motor vehicle.

This exception does not apply to methadone. The intent of the medical certification process is

to medically evaluate a driver to ensure that the driver has no medical condition which interferes with the safe performance of driving tasks on a public road. If a driver uses an amphetamine, a narcotic or any other habit-forming drug, it may be cause for the driver to be found medically unqualified. If a driver uses a Schedule I drug or substance, it will be cause for the driver to be found medically unqualified. Motor carriers are encouraged to obtain a practitioner's written statement about the effects on transportation safety of the use of a particular drug.

A test for controlled substances is not required as part of this biennial certification process. The FMCSA or the driver's employer should be contacted directly for information on controlled substances and alcohol testing under Part 382 of the FMCSRs.

The term "uses" is designed to encompass instances of prohibited drug use determined by a physician through established medical means. This may or may not involve body fluid testing. If body fluid testing takes place, positive test results should be confirmed by a second test of greater specificity. The term "habit-forming" is intended to include any drug or medication generally recognized as capable of becoming habitual, and which may impair the user's ability to operate a commercial motor vehicle safely.

The driver is medically unqualified for the duration of the prohibited drug(s) use and until a second examination shows the driver is free

from the prohibited drug(s) use. Recertification may involve a substance abuse evaluation, the successful completion of a drug rehabilitation program, and a negative drug test result. Additionally, given that the certification period is normally two years, the examiner has the option to certify for a period of less than 2 years if this examiner determines more frequent monitoring is required.

(See Conference on Neurological Disorders and Commercial Drivers and Conference on Psychiatric Disorders and Commercial Drivers at:

<http://www.fmcsa.dot.gov/rulesregs/medreports.htm>)

Alcoholism §391.41(b)(13)

A person is physically qualified to drive a commercial motor vehicle if that person:

Has no current clinical diagnosis of alcoholism. The term "current clinical diagnosis of" is specifically designed to encompass a current alcoholic illness or those instances where the individual's physical condition has not fully stabilized, regardless of the time element. If an individual shows signs of having an alcohol-use problem, he or she should be referred to a specialist. After counseling and/or treatment, he or she may be considered for certification.

EXHIBIT 21



**U.S. Department
of Transportation**
**Federal Motor Carrier
Safety Administration**

JAN 13 2015

1200 New Jersey Avenue SE
Washington DC 20590

Refer to: MC-PSP

Mr. Kenneth Frilando
330 Beach 90th Street
Rockaway Beach, NY 11693

Dear Mr. Frilando:

This letter is to notify you that the Federal Motor Carrier Safety Administration (FMCSA) has decided to grant you a limited 90-day waiver from 49 CFR 391.41(b)(11) concerning drivers who do not meet the hearing standard. This waiver is granted under the provisions of 49 CFR Part 381 for unique, non-emergency situations. Because of the unique, time-sensitive nature of your request for relief from the regulation, we are granting this waiver to provide us with sufficient time to complete your exemption request and so you may complete driver training school.

We have reviewed your 3-year driving history and FMCSA has determined that granting this waiver will achieve a level of safety that is equivalent to or greater than the level of safety that would be obtained by complying with §391.41(b)(11). The waiver is valid for the period beginning 12:01 a.m., on January 14, 2015, to 12:00 midnight on April 14, 2015. You must comply with all other applicable Federal safety requirements and any State laws and regulations that are not pre-empted by this Federal waiver.

You must carry this letter and the enclosure with you at all times while operating commercial motor vehicles in interstate commerce and must present it to Federal and State enforcement or inspection personnel upon demand.

If you have any questions about the waiver, please contact Ms. Elaine Papp, Chief, Office of Medical Programs, at (202) 366-4001, or via e-mail at elaine.papp@dot.gov.

Sincerely yours,

Larry W. Minor
Associate Administrator for Policy

Enclosure

DEFENDANT'S
DEPOSITION
EXHIBIT
BDTS - 13

**Limited 90-Day Waiver from 49 CFR 391.41(b)(11) for
Kenneth Frilando 330 Beach 90th Street
Rockaway Beach, NY 11693
(347) 246-4267 DOB 09/25/1968
Driver's license: NY # 617 516 517**

TERMS OF THE WAIVER

PERIOD OF THE WAIVER

- Your waiver from the requirements of 49 CFR 391.41(b)(11) is valid for the period from 12:01 a.m. on January 14, 2015, to 12:00 midnight on April 14, 2015.

REGULATORY PROVISIONS

This waiver is limited to the requirements of 49 CFR 391.41 (b)(11) which states that a person is physically qualified to drive a commercial motor vehicle if that person first perceives a forced whispered voice in the better ear at not less than 5 feet with or without the use of a hearing aid or, if tested by use of an audiometric device, does not have an average hearing loss in the better ear greater than 40 decibels at 500 Hz, 1,000 Hz, and 2,000 Hz with or without a hearing aid when the audiometric device is calibrated to American National Standard.

You must comply with all other applicable provisions of the Federal Motor Carrier Safety Regulations (FMCSRs) in Title 49 of the Code of Federal Regulations.

PREEMPTION OF STATE LAWS AND REGULATIONS

During the period this waiver is in effect, no State shall enforce any law or regulation that conflicts with or is inconsistent with this waiver with respect to a firm or person operating under the waiver (49 U.S.C. 31315(d)).

ACCIDENT NOTIFICATION REQUIREMENT

You must notify FMCSA within 5 business days of any accident (as defined in 49 CFR 390.5), involving your operation of a CMV. The notification must include the following information:

- (a) Date of the accident,
- (b) City or town, and State, in which the accident occurred, or closest to the accident scene,
- (c) Vehicle number and State license number,
- (d) Number of individuals suffering physical injury,
- (e) Number of fatalities,
- (f) The police-reported cause of the accident, and
- (g) A statement indicating whether you were cited for violation of any traffic laws, or motor carrier safety regulations.

TERMINATION

The FMCSA may immediately revoke your limited 90-day waiver if you fail to comply with its terms and conditions.



**U.S. Department
of Transportation**

Federal Motor Carrier
Safety Administration

1200 New Jersey Avenue SE
Washington DC 20590

Refer to: MC-PSP

Mr. Kenneth Frilando
330 Beach 90th Street
Rockaway Beach, NY 11693

Dear Mr. Frilando:

Exemption No H00115

Your application for an exemption from the hearing regulation of 49 CFR 391.41(b)(11) has been approved. Your exemption is enclosed. You must carry it with you at all times while operating a CMV.

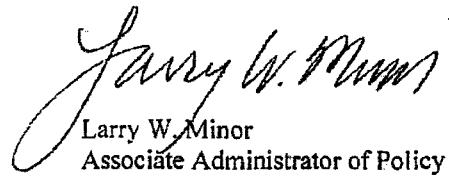
Please read the exemption certificate and instructions carefully prior to driving with your exemption. You must meet and comply with all conditions stated in your exemption document to retain your exemption. Any failure to do so will be cause for its immediate revocation.

- 1) If you have a CDL, your State motor vehicle department must remove the "intrastate only" restriction from your license.
- 2) You must keep the exemption and a copy of the medical examiner's certificate on your person while operating a CMV. Upon request, these documents must be presented to a duly authorized Federal, State, or local enforcement official.
- 3) You must retain copies of both the medical examiner's certificate and the exemption in your driver qualification file.
- 4) You must report any crashes or accidents as defined in 49 CFR 390.5 to FMCSA.
- 5) You must report all citations and convictions for disqualifying offences under 49 CFR 383 and 391.
- 6) You are prohibited from operating a motorcoach or bus with passengers in interstate commerce.

The enclosed exemption is valid for operation of a CMV only within the United States for the purpose of interstate commerce. It does not exempt the driver from the physical qualification standards of any bordering jurisdiction.

Should you have any questions, please call the Medical Program Office at 202-366-4001 or
email fmcsamedical@dot.gov.

Sincerely yours,



Larry W. Minor
Associate Administrator of Policy

Enclosure



FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

HEARING EXEMPTION

[From the requirements of 49 CFR 391.41(b)(11)]

Name: Kenneth Frilando
DOB: 09/25/1968

Exemption Number: H00115

Address:
330 Beach 90th Street
Rockaway Beach, NY 11693

Effective Date: March 29, 2015

Expiration Date: March 29, 2017

Driver's License Number and State of Issuance: NY # 617 516 517

AUTHORITY: 49 U.S.C. 31136(e)

THIS EXEMPTION DOCUMENT MUST BE CARRIED BY THE INDIVIDUAL TO WHOM IT HAS BEEN ISSUED WHILE OPERATING A COMMERCIAL MOTOR VEHICLE (CMV) IN ADDITION TO THE MEDICAL EXAMINER'S CERTIFICATE AND PRESENTED UPON THE REQUEST OF ANY LEGALLY AUTHORIZED ENFORCEMENT OFFICIAL.

This exemption authorizes the above-named individual to operate a CMV in interstate commerce under the conditions set forth in this document. This exemption is subject to periodic review by the Federal Motor Carrier Safety Administration (FMCSA). Any failure to comply with the conditions of the exemption will be cause for immediate revocation of this authorization.

Issued by:

Larry W. Minor
Associate Administrator of Policy

EXEMPTION CONDITIONS: To maintain your exemption, you must comply with the following conditions:

- 1) The driver must report any crashes or accidents as defined in 49 CFR 390.5 to FMCSA.
- 2) The driver must report all citations and convictions for disqualifying offenses under 49 CFR 383 and 49 CFR 391 to FMCSA.
- 3) The driver is prohibited from operating a motorcoach or bus with passengers in interstate commerce.

Drivers may be required at any time while this exemption is in effect to provide information to FMCSA on your medical status. This exemption is valid for operations only within the United States. It does not exempt the driver from the physical qualification standards of any bordering jurisdiction.

**Federal Motor Carrier Safety Administration
Medical Programs
1200 New Jersey Avenue SE, Room W64-224
Washington, DC 20590**



US Department
Of Transportation
**Federal Motor Carrier
Safety Administration**

1200 New Jersey Ave., SE
Washington, DC 20590

Dear Medical Examiner:

Kenneth Frilando has submitted an application to the Federal Motor Carrier Safety Administration to request an exemption from the hearing standard to operate a commercial motor vehicle (CMV) in interstate commerce.

We are ready to move forward in our consideration of the applicant's request for a hearing exemption. However, we require a completed medical examination and a complete medical certificate to certify that the applicant has no further disqualifying medical conditions.

Please complete the required DOT medical examination regardless of the applicant's ability to pass the hearing test. Please note on the Medical Certificate that this driver requires a hearing exemption to be qualified to drive a CMV in interstate commerce.

If you have questions or concerns, please contact the Medical Programs Office by phone at (202) 366-4001 or by email at FMCSAMedical@dot.gov.

Sincerely yours,

A handwritten signature in cursive ink that reads "Elaine M. Papp".

Elaine M. Papp, RN MSN COHN-S CM
Chief, Medical Programs Division

F M C S A

Federal Motor Carrier Safety Administration

www.fmcsa.dot.gov

AUTHORIZATION FOR RELEASE OF INFORMATION

APPLICANT IDENTIFICATION

Name: Kenneth Frilando

Date of Birth: 09/25/1968

Protected Health Information: Any information that can be linked back to the individual applicant, can be in any form: written, electronic, or verbal.

(Signed original will be placed in the applicant's record and a copy provided to the applicant)

I (NAME OF APPLICANT) authorize the Federal Motor Carrier Safety Administration ("FMCSA" or "the Agency") to disclose, in a public docket accessible to all interested parties via the Internet, medical records and information related to my application for an exemption from one or more of the physical qualifications standards under 49 CFR 391.41. I understand that the medical records and information that will be disclosed by the Agency may include specific health information related to the medical conditions or illnesses, injuries, diagnosis, prognosis and medical treatment provided to me which have resulted in my not being able to obtain a medical certificate to operate commercial motor vehicles in interstate commerce. I understand that the American Health Insurance Portability and Accountability Act of 1996 (HIPAA) provides certain protections against the release of my personal medical records and information and hereby waive all protections provided by HIPAA with regard to medical records and information related to my application for an exemption from certain requirements under 49 CFR 391.41.

Please check and initial the statement that applies: I do X I do not _____ authorize this information to be released.

Information Limitations, if any: _____

This information may also be shared with (please check one of the following):

1. Legal Representative _____
2. Other (please specify):

Please note this document has two pages, you are required to read and complete information on both documents, the last page will require your complete signature first/last name and date.

Description of the exemption being sought and the medical information to be released to FMCSA in support of the exemption application, including the healthcare professionals responsible for providing the records that will be released.
**I am asking for an exemption from the hearing standard in CFR 49
391.41.**

I understand that I may refuse to sign this authorization and that my refusal to sign may affect my ability to obtain an exemption with the FMCSA. I understand that I may withdraw my application for an exemption at any time and that I may revoke this authorization in writing at any time prior to the FMCSA publishing a notice in the Federal Register soliciting public comments on my exemption application. I understand that after FMCSA publishes a notice in the Federal Register all medical records and information submitted to FMCSA will be submitted to a public docket accessible by all interested parties via the Internet. The Agency will not remove information from the public docket after it has been posted.

Applicant's Address Signing person Name, Address & Telephone #:

Name(s) Kenneth Frilando

Address 330 Beach 90th Street, Rockaway Beach, NY, 11693

Telephone # 347.246.4267 Videophone & K.Frilando@gmail.com

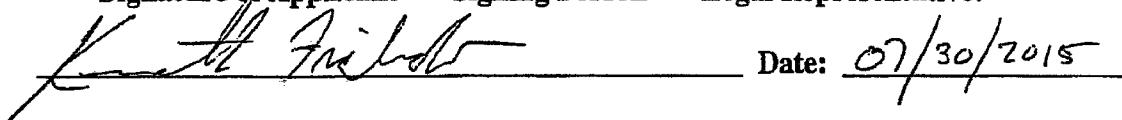
Request sent to:

1. Physician Company Person Other (explain)

2. Address: _____

3. Phone Number: _____ Fax #: _____

* Signature of Applicant Signing Person Legal Representative:

 Date: 07/30/2015

Relationship to applicant: _____

All Facilities/persons listed on pages 1, 2 of this form may share information among and between themselves for the FMCSA assessment and Quality Assurance. Please sign above to authorize.

EXHIBIT 22

Subj: **Re: 90 Day waiver**
Date: 3/30/2015 12:56:00 P.M. Eastern Daylight Time
From: joseph.frilando@gmail.com
To: dwessendorf@smithsolomon.com
CC: jsdiab@smithsolomon.com, johndiabpetro14@aol.com, johndiab@smithsolomon.com
Thank you for your response. As I mentioned time is of the essence, Kenneth's permit expires Januaray 2 , 2016. I look forward to a reasonably timed response. Thanks again!!

On Mon, Mar 30, 2015 at 11:41 AM, Dale Wessendorf <dwessendorf@smithsolomon.com> wrote:

We are seeking guidance from the Federal DOT and the local MVC's regarding how to Safely and Effectively accommodate the specific needs of this community.

As of yet we do not have a clear direction in the matter. As we receive additional communication we will keep you advised.

Yours Truly,

Dale

Director of Safety

Dale G. Wessendorf

Smith and Solomon Commercial Driver Training

Director of Safety and Program Training

609-291-1154 ext. 260

609-668-0809 (Cell)

609-291-0199 (Fax)

From: Joseph Frilando [mailto:joseph.frilando@gmail.com]
Sent: Sunday, March 29, 2015 11:07 PM

To: dwessendorf@smithsolomon.com
Subject: Fwd: 90 Day waiver

Hi Mr. Wessendorf,

I'm still waiting to hear from you about setting up and appointment for my brother Kenneth Frilando who is deaf to come in and learn about your school and discuss training at your facility. If Smith Solomon can not accomodate a deaf student please advise and I will continue to seek out other schools. Please advised time is of the essence.

Regards,

Joseph Frilando

----- Forwarded message -----

From: **Joseph Frilando** <joseph.frilando@gmail.com>
Date: Mon, Mar 23, 2015 at 9:45 AM
Subject: Fwd: 90 Day waiver
To: "dwessendorf@smithsolomon.com" <dwessendorf@smithsolomon.com>

Hi... Still waiting to hear from you. Good day!!

Sent from my iPhone

Begin forwarded message:

From: Joseph Frilando <joseph.frilando@gmail.com>
Date: March 17, 2015 at 5:36:53 PM EDT
To: dwessendorf@smithsolomon.com

Subject: Fwd: 90 Day waiver

Hi Mr. Wessendorf,

Per our conversation you will find the attached waiver, the 90 day waiver appears to be ending next month April, I have to speak to my brother to see where DOT is as far as the two year waiver. You can contact me anytime at 347-698-7395.

Thanks,

Joseph Frilando

----- Forwarded message -----

From: **Kenneth Frilando** <k.frilando@gmail.com>
Date: Mon, Mar 2, 2015 at 5:47 PM
Subject: Fwd: 90 Day waiver

Subj: RE: Fwd: 90 Day waiver
Date: 3/31/2015 8:25:21 A.M. Eastern Daylight Time
From: johndiabpetro14@aol.com
To: dwessendorf@smithsolomon.com
CC: jsdiab@smithsolomon.com
Respond
Please send a copy of the 2 yr as soon as it is received .Thank you

Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

From: Dale Wessendorf <dwessendorf@smithsolomon.com>;
Date: 03/31/2015 7:22 AM (GMT-05:00)
To: A Junior <jsdiab@smithsolomon.com>; A Senior <johndiabpetro14@aol.com>;
Subject: Fwd: 90 Day waiver

Message sent to me at 1:49 am

Sent from my iPhone

Begin forwarded message:

From: Joseph Frilando <joseph.frilando@gmail.com>
Date: March 31, 2015 at 1:49:47 AM EDT
To: Dale Wessendorf <dwessendorf@smithsolomon.com>
Subject: Re: 90 Day waiver

We still just have the 90 day waiver, the two year waiver will be in our possession within a week or two. I will forward it at that time. Is there anything else you will need?

Sent from my iPhone

On Mar 30, 2015, at 1:34 PM, Dale Wessendorf <dwessendorf@smithsolomon.com> wrote:

Could you please forward a copy of the exemption to me.

Dale G. Wessendorf
Smith and Solomon Commercial Driver Training
Director of Safety and Program Training
609-291-1154 ext. 260
609-668-0809 (Cell)
609-291-0199 (Fax)

From: Joseph Frilando [<mailto:joseph.frilando@gmail.com>]
Sent: Monday, March 30, 2015 12:56 PM
To: Dale Wessendorf
Cc: John Diab; John Diab; John Diab
Subject: Re: 90 Day waiver

Thank you for your response. As I mentioned time is of the essence, Kenneth's permit expires January 2, 2016. I look forward to a reasonably timed response. Thanks again!!

To: Joseph Frilando <Joseph.Frilando@gmail.com>

----- Forwarded message -----

From: <Cindy.Gaines@dot.gov>
Date: Wed, Jan 14, 2015 at 7:57 AM
Subject: 90 Day waiver
To: k.frilando@gmail.com

Mr. Frilando,

Attached is your 90 day waiver as requested.

Cindy Gaines (Maugeri), MS, RN
Nurse Consultant
U.S. Department of Transportation
Federal Motor Carrier Safety Administration
Office of Policy
Medical Programs Division, W64-221
1200 New Jersey Avenue, SE
Washington, DC 20590

Main: [202 366-4001](tel:2023664001)
Fax: [202 366-1265](tel:2023661265)
Cindy.Gaines@dot.gov

The information contained in this communication (including any attachments) may be confidential and legally privileged. This email may not serve as a contractual agreement unless explicit written agreement for this purpose has been made. If you are not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication or any of its contents is strictly prohibited. If you have received this communication in error, please re-send this communication to the sender indicating that it was received in error and delete the original message and any copy of it from your computer system.

This document may contain PII. Handle in a secure manner.

-----Original Message-----

From: Gaines, Cindy (FMCSA)
Sent: Wednesday, January 14, 2015 7:55 AM
To: Gaines, Cindy (FMCSA); Gaines, Cindy (FMCSA)
Subject: Scanned Image

Please See Attached

<image2015-01-14-075429.pdf>

Click here<<https://www.mailcontrol.com/sr/MZbqvYs5QwJvpeaetUwhCQ==>> to report this email as spam.

This message has been scanned for malware by Websense. www.websense.com

Subj: **Re: 90 Day waiver**
Date: 4/1/2015 2:36:39 P.M. Eastern Daylight Time
From: johndiabpetro14@aol.com
To: johndiabpetro14@aol.com, dwessendorf@smithsolomon.com
CC: jsdiab@smithsolomon.com

Respond:

After considerable discussion at both the State and Federal level and having received little or no guidance on how to effectively train and safely protect the motoring public, the student and our personnel we have determined that Smith & Solomon is not capable or qualified at this time to render the services requested.

Thank you very much for your interest in Smith & Solomon.

Yours Truly,

Dale

In a message dated 3/31/2015 8:25:21 A.M. Eastern Daylight Time, johndiabpetro14@aol.com writes:

Respond
Please send a copy of the 2 yr as soon as it is received .Thank you

Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

From: Dale Wessendorf <dwessendorf@smithsolomon.com>
Date: 03/31/2015 7:22 AM (GMT-05:00)
To: A Junior <jsdiab@smithsolomon.com>; A Senior <johndiabpetro14@aol.com>
Subject: Fwd: 90 Day waiver

Message sent to me at 1:49 am

Sent from my iPhone

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Date: March 31, 2015 at 1:49:47 AM EDT
To: Dale Wessendorf <dwessendorf@smithsolomon.com>
Subject: Re: 90 Day waiver

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Sent from my iPhone

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Could you please forward a copy of the exemption to me.

Dale G. Wessendorf
Smith and Solomon Commercial Driver Training
Director of Safety and Program Training
609-291-1154 ext. 260
609-668-0809 (Cell)
609-291-0199 (Fax)

From: Joseph Frilando [mailto:joseph.frilando@gmail.com]
Sent: Monday, March 30, 2015 12:56 PM
To: Dale Wessendorf
Cc: John Diab; John Diab; John Diab
Subject: Re: 90 Day waiver

Thank you for your response. As I mentioned time is of the essence, Kenneth's permit expires Januaray 2, 2016. I look forward to a reasonably timed response. Thanks again!!

On Mon, Mar 30, 2015 at 11:41 AM, Dale Wessendorf <dwessendorf@smithsolomon.com> wrote:
We are seeking guidance from the Federal DOT and the local MVC's regarding how to Safely and Effectively accommodate the specific needs of this community.
As of yet we do not have a clear direction in the matter. As we receive additional communication we will keep you advised.

Yours Truly,
Dale

Director of Safety

Dale G. Wessendorf
Smith and Solomon Commercial Driver Training
Director of Safety and Program Training
609-291-1154 ext. 260
609-668-0809 (Cell)
609-291-0199 (Fax)

From: Joseph Frilando [mailto:joseph.frilando@gmail.com]
Sent: Sunday, March 29, 2015 11:07 PM

To: dwessendorf@smithsolomon.com
Subject: Fwd: 90 Day waiver

Hi Mr. Wessendorf,

I'm still waiting to hear from you about setting up and appointment for my brother Kenneth Frilando who is deaf to come in and learn about your school and discuss training at your facility. If Smith Solomon can not accomadate a deaf student please advise and I will continue to seek out other schools. Please advised time is of the essence.

Regards,

Joseph Frilando

----- Forwarded message -----

From: **Joseph Frilando** <joseph.frilando@gmail.com>
Date: Mon, Mar 23, 2015 at 9:45 AM
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To: "dwessendorf@smithsolomon.com"
<dwessendorf@smithsolomon.com>

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Sent from my iPhone

Begin forwarded message:

From: Joseph Frilando <joseph.frilando@gmail.com>
Date: March 17, 2015 at 5:36:53 PM EDT
To: dwessendorf@smithsolomon.com

Subject: Fwd: 90 Day waiver

Hi Mr. Wessendorf,

Per our conversation you will find the attached waiver,
the 90 day waiver appears to be ending next month
April, I have to speak to my brother to see where DOT is
as far as the two year waiver. You can contact me
anytime at 347-698-7395.

Thanks,
Joseph Frilando

----- Forwarded message -----

From: **Kenneth Frilando** <k.frilando@gmail.com>
Date: Mon, Mar 2, 2015 at 5:47 PM
Subject: Fwd: 90 Day waiver
To: Joseph Frilando <Joseph.Frilando@gmail.com>

----- Forwarded message -----

From: <Cindy.Gaines@dot.gov>
Date: Wed, Jan 14, 2015 at 7:57 AM
Subject: 90 Day waiver
To: k.frilando@gmail.com

Mr. Frilando,

Attached is your 90 day waiver as requested.

Subj: **FW: my two years earhing exemption letter**
Date: 4/6/2015 12:56:23 P.M. Eastern Daylight Time
From: dwessendorf@smithsolomon.com
To: jsdiab@smithsolomon.com, johndiabpetro14@aol.com
FYI

Dale G. Wessendorf
Smith and Solomon Commercial Driver Training
Director of Safety and Program Training
609-291-1154 ext. 260
609-668-0809 (Cell)
609-291-0199 (Fax)

From: Joseph Frilando [mailto:joseph.frilando@gmail.com]
Sent: Monday, April 06, 2015 12:49 PM
To: Dale Wessendorf
Subject: Re: my two years earhing exemption letter

You should know I take issue with your commentary since the federal government basically is saying my brother has proved he is capable and authorized to train for his CDL license. Have a good day.

Sent from my iPhone

On Apr 6, 2015, at 12:39 PM, Dale Wessendorf <dwessendorf@smithsolomon.com> wrote:

Joseph,

After considerable discussion at both the State and Federal level and having received little or no guidance on how to effectively train and safely protect the motoring public, the student and our personnel, we have determined that Smith & Solomon is not capable or qualified at this time to render the services requested.

Thank you very much for your interest in Smith & Solomon.

Yours Truly,

Dale

Dale G. Wessendorf
Smith and Solomon Commercial Driver Training
Director of Safety and Program Training
609-291-1154 ext. 260
609-668-0809 (Cell)
609-291-0199 (Fax)

From: Joseph Frilando [mailto:joseph.frilando@gmail.com]
Sent: Monday, April 06, 2015 11:20 AM
To: Dale Wessendorf
Subject: Fwd: my two years earhing exemption letter

Please find attached two year waiver on behalf of Kenneth Frilando. Please advise how we can move forward my brother is very interested in this training.

EXHIBIT 23

Subj: **FW: Hearing Impaired Interview**
Date: 5/11/2015 1:02:12 P.M. Eastern Daylight Time
From: jsdiab@smithsolomon.com
To: johndiabpetro14@aol.com

John Diab Jr
Director of Operations
Smith & Solomon
609-291-1154 x 240

From: Mariela Rousey [mailto:mrousey@smithsolomon.com]
Sent: Wednesday, February 18, 2015 3:37 PM
To: John Diab Jr.; Dale Wessendorf
Subject: Hearing Impaired Interview

He is scheduled for an interview this Friday between 10-10:30 am.

Mariela Rousey
Admissions/Marketing Manager
Mrousey@smithsolomon.com
908-474-1589 ext 232

John Diab Jr

From: Dale Wessendorf <dwessendorf@smithsolomon.com>
Sent: Tuesday, March 17, 2015 5:47 PM
To: John Diab; John Diab; John Diab
Subject: FW: 90 Day waiver
Attachments: image2015-01-14-075429.pdf

Categories:

Red Category

This is the potential Linden student who wants to enroll in CDL training. (He cancelled his appointment 2 weeks ago)

The waiver is a 90 day waiver while they work on the two year waiver. It specifically is for the purpose of doing driver training.

This is new to me and we need to discuss.

Dale G. Wessendorf
Smith and Solomon Commercial Driver Training
Director of Safety and Program Training
609-291-1154 ext. 260
609-668-0809 (Cell)
609-291-0199 (Fax)

From: Joseph Frilando [mailto:joseph.frilando@gmail.com]
Sent: Tuesday, March 17, 2015 5:37 PM
To: dwessendorf@smithsolomon.com
Subject: Fwd: 90 Day waiver

Hi Mr. Wessendorf,

Per our conversation you will find the attached waiver, the 90 day waiver appears to be ending next month April, I have to speak to my brother to see where DOT is as far as the two year waiver. You can contact me anytime at 347-698-7395.

Thanks,
Joseph Frilando

EXHIBIT 24

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KENNETH FRILANDO,

Plaintiff,

vs. Index No.
15 CV
DUTCHESS SCHOOL OF DRIVING, INC., 03972

Defendant.

DEPOSITION OF KENNETH FRILANDO
New York, New York
Monday, August 8, 2016

Reported by:
Jeremy Frank, MPM
JOB NO. 263595A

Page 18

1 K. Frilando
 2 any documents to prepare for today's
 3 deposition?
 4 A. No.
 5 Q. Did you meet with your counsel to
 6 prepare for today's deposition?
 7 A. Yes, yesterday I spoke to Andrew
 8 on the video phone.
 9 Q. Other than meeting with your
 10 counsel did you do anything else to prepare
 11 for the deposition such as having conver-
 12 sations with other individuals such as your
 13 brother, your mother or anyone else?
 14 A. No, but my family is already aware
 15 of this case.
 16 Q. My question, Mr. Frilando, is
 17 simply whether you spoke to them to help you
 18 get ready for the giving of testimony here
 19 today.
 20 A. No.
 21 Q. Before I go on, do you know why we
 22 have two sign language interpreters rather
 23 than one?
 24 A. Because I know they need to work
 25 as a team because of fatigue, and the

Page 19

1 K. Frilando
 2 questions there is a longer delay process so
 3 for processing and accuracy that they need
 4 about 20 to 30 minutes per person and then
 5 they switch, and they support each other. But
 6 if it's a shorter meeting if it is maybe a
 7 half hour, maybe one interpreter is
 8 appropriate, but if it is for two or three
 9 hours, a team of two is needed.
 10 Q. Mr. Frilando --
 11 THE INTERPRETER: Counsel, we are
 12 going to switch.
 13 THE COURT REPORTER: Could you
 14 switch seats, please.
 15 MR. HALLER: For the record, the
 16 interpreters are switching at this point.
 17 Q. Mr. Frilando, I would now like to
 18 go to the documents that are before you and
 19 start with what's been marked as Dutchess
 20 Exhibit 1.
 21 Do you have that in front of you?
 22 A. Yes.
 23 Q. Am I correct this is the complaint
 24 that was filed on your behalf by your
 25 attorneys, the law firm of Eisenberg And Baum

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1 K. Frilando
 2 in connection with your claim against the
 3 Dutchess School of Driving?
 4 A. That's correct.
 5 Q. Did you review this complaint for
 6 accuracy and completeness before it was filed
 7 on your behalf?
 8 A. Yes, I did.
 9 Q. Can we agree on the record that
 10 therefore this complaint fully and accurately
 11 reflects your claim against the Dutchess
 12 School of Driving, inc in this case on which
 13 we are here in today's deposition?
 14 A. Yes.
 15 Q. Mr. Frilando, if you could please
 16 go to page two of the complaint which is
 17 before you as Dutchess 1. Right at the bottom
 18 of the page there is something called
 19 statement of facts beginning at paragraph 7
 20 and going through paragraph 18.
 21 Do you have that in front of you?
 22 A. Yes.
 23 Q. Does this statement of facts set
 24 out fully and accurately communications that
 25 you brother had on your behalf with the

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1 K. Frilando
 2 Dutchess School of Driving that have led to
 3 your complaint in this case?
 4 MS. SHRADDER: Objection as to form.
 5 He can answer.
 6 A. Yes.
 7 Q. Perhaps we can go briefly through
 8 the statement of facts paragraph by paragraph.
 9 A. Okay.
 10 Q. First of all, in paragraph seven
 11 you say, "Plaintiff is deaf and communicates
 12 in American sign language (ASL)."
 13 Do you see that?
 14 A. Yes.
 15 Q. Do you recall that in the
 16 deposition which you gave in the Frilando
 17 versus Bordentown case that I took and you
 18 provided testimony, that we discussed in
 19 detail the history of your being deaf and the
 20 manner of your communication in American Sign
 21 Language?
 22 A. Yes.
 23 Q. If we go to paragraph eight and
 24 paragraph nine, perhaps we can do those
 25 together. Paragraph eight says you, "Possess

<p style="text-align: right;">Page 50</p> <p>1 K. Frilando 2 Do you see that? 3 A. Yes. 4 Q. As of this date that you signed 5 this verification sometime around January 6 11th, 2016 is when it was presented to 7 defendants, I can assume that that was an 8 accurate statement? 9 MS. SHRADER: I'll reiterate our 10 objections and we are not waiving our 11 objection at this time. 12 A. Yes, that's true. 13 Q. That was correct at the time? 14 A. Yes. 15 Q. And has there been any change 16 since January 11th, 2016, that is have you 17 been evaluated or treated for mental suffering 18 or emotional injury by any health care 19 professional since January 11th, 2016 up to 20 today? 21 A. No, I don't think so. 22 Q. Then if you look at the next 23 interrogatory, interrogatory number eight, it 24 is a similar question but it asks for, "All 25 psychiatrists, psychologists, therapists,</p>	<p style="text-align: right;">Page 52</p> <p>1 K. Frilando 2 2016; is that correct? 3 A. The answer would be the same, no. 4 Q. Thank you. 5 Then if you go to the next page, 6 you will see that there is something called 7 Plaintiff's Answers to Defendant Dutchess 8 School of Driving Inc's Document Requests 9 which goes on for six pages and is signed by 10 your counsel on January 11th, 2016. 11 Do you see that? 12 Do you recall -- 13 THE COURT REPORTER: I didn't get 14 an answer, counsel. 15 THE INTERPRETER: Hold on, counsel, 16 he's still going through six pages. 17 MR. HALLER: It goes on for six 18 pages. 19 A. Yes, I see that signature. 20 Q. Do you recall reviewing this 21 document before it was served by your counsel 22 on defendants? 23 A. Yes. 24 Q. Did you review it for accuracy? 25 A. Yes.</p>
<p style="text-align: right;">Page 51</p> <p>1 K. Frilando 2 social workers and other mental health care 3 professionals with whom you have treated or 4 been evaluated in the past 10 years," and your 5 answer is no. 6 Do you see that? 7 MS. SHRADER: Objection again as to 8 this is confidential, privileged 9 information with regard to psychiatric 10 treatment, and he's not required to 11 respond. 12 MR. HALLER: Well, counsel with due 13 respect, first of all he's given a sworn 14 response which is none, and all I'm 15 asking is with respect to his sworn 16 response. And if there is none, it 17 doesn't implicate any kind of personal 18 information. 19 A. The answer is none. 20 Q. Thank you. 21 That is true as I just, all I'm 22 trying to do is bring these answers up to 23 date. 24 So you have not seen any such 25 health care professional since January 11th,</p>	<p style="text-align: right;">Page 53</p> <p>1 K. Frilando 2 Q. Did you make an effort to locate 3 and identify any documents that might be 4 responsive to the requests that are listed in 5 bold on each of the pages under the general 6 heading Plaintiff's Answers To Defendant 7 Document Requests? 8 A. I did. 9 Q. Then you will see we kept this in 10 the way it was provided to Dutchess, attached 11 are a series of documents that have the 12 designation PLA1 through PLA103. 13 A. Yes. 14 Q. Am I correct those are all the 15 responsive documents? 16 A. That's everything. 17 Q. So we can rely on the fact there 18 is no other documents that would be responsive 19 to those requests as far as you know sitting 20 here today? 21 A. That's it, that's everything. 22 THE INTERPRETER: We're going to 23 switch -- 24 MR. HALLER: Let's take a short 25 break --</p>